

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Law Enforcement

RULE CHAPTER TITLE: Agricultural Vehicle Inspection RULE CHAPTER NO.: 5A-16

RULE TITLES: Procedure for Conducting Vehicle Inspection RULE NOS.: 5A-16.003

Commercial Carrier Pre-clearance Program 5A-16.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish criteria by which non-agricultural laden commercial motor vehicles may be permitted to transport goods without being required to regularly stop at agricultural interdiction stations for physical inspection; establish guidelines associated with permitting process and activities; establish penalties for violation; eliminates the Florida Exempt Cargo Manifest program.

SUBJECT AREA TO BE ADDRESSED: Changes to Chapter 5A-16, F.A.C., to conform to changes in Section 570.15, F.S.

SPECIFIC AUTHORITY: 570.07(23), 570.15(5) FS.

LAW IMPLEMENTED: 570.15(1), 570.15(2), 570.15(5) 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., September 14, 2004

PLACE: Steverson Conference Room, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO: Clark R. Jennings, Chief Counsel, Office of Agricultural Law Enforcement, 2005 Apalachee Parkway, Room 237, Tallahassee, FL 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Clark R. Jennings, Chief Counsel, Office of Agricultural Law Enforcement, 2005 Apalachee Parkway, Room 237, Tallahassee, FL 32399-6500, (850)245-1300

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Inmate Grievances – Terminology and Definitions	33-103.002

Inmate Grievances – Staff and Inmate Participation	33-103.004
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Informal Grievance	33-103.005
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Formal Grievance – Institution or Facility Level	33-103.006
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Appeals to the Office of the Secretary	33-103.007
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Grievances of a Medical Nature	33-103.008
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Grievances Regarding Lost Personal Property	33-103.010
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Inmate Grievances – Time Frames	33-103.011
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Grievance Records	33-103.012
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Classification of Grievances	33-103.013
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Reasons for Return of Grievance or Appeal Without Processing	33-103.014
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Inmate Grievances – Miscellaneous Provisions	33-103.015
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Inmate Grievances – Reprisal	33-103.017
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Evaluation of the Grievance Procedure	33-103.018
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Inmate Grievances – Forms	33-103.019
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PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to: add definitions of terms used in conjunction with the inmate grievance process; clarify provisions related to the review process; and eliminate unnecessary language.

SUBJECT AREA TO BE ADDRESSED: Inmate grievances.

SPECIFIC AUTHORITY: 20.315, 944.09 FS., 45 C.F.R. 164.530

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164

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:

33-103.002 Inmate Grievances – Terminology and Definitions.

Terminology and Definitions. The following terms, as defined, shall be standard usage throughout the department:

(1) through (8) No change.

(9) Grievance Coordinator: refers to the institutional staff member designated by the warden or the bureau chief of the Bureau of Inmate Grievance Appeals to receive, review, investigate, evaluate, and respond to inmate grievances at an institution or facility.

~~(10)~~(9) No change.

(11) HIPAA: refers to the Health Insurance Portability and Accountability Act of 1996.

(10) through (12) renumbered (12) through (14) No change.

~~(15)(13)~~ Reviewing Authority: Staff who are authorized to sign grievances as the final authority for review, e.g., warden, assistant warden, deputy warden, or the Secretary’s representative.

(a) through (d) No change.

(e) The warden is authorized to designate the assistant warden or deputy warden (deputy warden applicable to private facilities only) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans With Disabilities Act, grievances challenging placement in close management and subsequent reviews, grievances of an emergency nature, grievances of reprisal or grievances of a sensitive nature.

~~(16)(14)~~ No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.002, Amended 10-11-00, 1-2-03, 9-16-03,_____.

33-103.004 Inmate Grievances – Staff and Inmate Participation.

(1) Inmate and employee participation in the grievance process will take the form of solicitation of written comments by inmates and employees on selected formal inmate grievances that staff determine will significantly impact the inmate population and which challenge general procedures and practices prior to the initial adjudication of the grievance. Each institution shall within 5 calendar days of receipt, post copies of this type of formal grievance on inmate and employee bulletin boards, circulate among all inmates in all disciplinary, administrative, and close management areas, including all inmates under sentence of death. These grievances shall be posted and circulated without identification of individual names or ~~of~~ identifying facts. Written comments must be received in the office of the reviewing authority as defined in paragraphs 33-103.002~~(15)(13)~~(a) through (d), F.A.C., within 5 calendar days from the date of posting in order to receive consideration. With the exception of submitting written comments, no inmate or employee who appears to be involved in the matter shall participate in any capacity in the final resolution of a grievance.

(2) Inmates and employees have the opportunity to review the effectiveness and credibility of the department’s grievance procedure through the submission of written comments to the reviewing authority as defined in paragraphs 33-103.002~~(15)(13)~~(a) through (d), F.A.C. The reviewing authority ~~as defined in 33-103.002(13)(a) through (d)~~ shall review and respond to written comments received and institute procedural changes as appropriate. Comments received relating to this rule that are outside the decision making

authority of the reviewing authority as defined in paragraphs 33-103.002~~(15)(13)~~(a) through (d), F.A.C., shall be forwarded to the Office of the General Counsel for review and appropriate action. If the comments or complaint focuses on the implementation of the rule at a particular institution, the reviewing authority as defined in paragraphs 33-103.002~~(15)(13)~~(a) through (d), F.A.C., has the authority to make necessary changes in this implementation consistent with the rule. If the comments or complaint deal with the content of the rule itself and the only way a change could be effected would be to change the rule, then it needs to be forwarded to the Office of the General Counsel. The Office of the General Counsel shall review the complaint to see if there appears to be a problem with the rule itself. If changes are necessary, the Office of the General Counsel coordinates the rule promulgation process. The warden shall receive a response and in turn advise the employee or inmate.

(3) through (4) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-15-92, 4-10-95, 12-7-97, Formerly 33-29.004, Amended 10-11-00,_____.

33-103.005 Informal Grievance.

(1) Inmates shall utilize the informal grievance process prior to initiating a formal grievance except in the case of an emergency grievance, a grievance of reprisal, a grievance of a sensitive nature, a grievance alleging violation of the Americans with Disabilities Act, a medical grievance, a grievance involving admissible reading material, a grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time, a grievance challenging placement in close management and subsequent reviews, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., or a grievance involving disciplinary action (does not include corrective consultations) governed by Rules 33-601.301-314, F.A.C. When an inmate decides to initiate a grievance, an informal grievance shall be submitted to the staff member who is responsible in the particular area of the problem, the classification team, the appropriate section head, or other institutional staff. When an informal grievance is received by the reviewing authority as defined in paragraphs 33-103.002~~(15)(13)~~(a) through (d), F.A.C., the reviewing authority shall respond to the grievance, refer the grievance to a staff member for response, or shall advise the inmate to re-file with a specific staff member. The inmate shall not file duplicate informal grievances with different staff members.

(2) When submitting an informal grievance, the inmate shall use Form DC6-236, Inmate Request, and shall:

(a) No change.

(b) On top of the page, or on the same line as the word “Request”, or on the first line of the request section the inmate shall print the words “Informal Grievance”. Failure to do this will cause the request to be handled routinely and it will not be considered an informal grievance. This will also cause the

form to be unacceptable as documentation of having met the informal step if it is attached to a formal grievance submitted at the next step.

1. through 3. No change.
- (3) through (5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 3-30-94, 4-17-94, 4-10-95, 8-10-97, 12-7-97, 2-17-99, Formerly 33-29.005, Amended 8-1-00, _____.

33-103.006 Formal Grievance – Institution or Facility Level.

- (1) No change.
- (2) Procedural Requirements.
- (a) through (g) No change.

(h) The inmate shall attach a copy of the informal grievance and the response to the informal grievance to his DC1-303 form, unless the formal grievance is an emergency grievance, a grievance of reprisal, a grievance of a sensitive nature, a medical grievance, a grievance alleging violation of the Americans with Disabilities Act, a grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time, a grievance challenging placement in close management and subsequent reviews, or a grievance of disciplinary action (excluding corrective consultations). Any other pertinent documentation shall be attached also. Informal grievances as described in subparagraph 33-103.005(2)(b)1., F.A.C., shall not be accepted as documentation of having met the requirements of the informal grievance step.

- (i) through (j) No change.

(3) The following types of grievances may be filed directly with the reviewing authority as defined in paragraphs 33-103.002(15)(43)(a) through (d), F.A.C., by-passing the informal grievance step, and may be sent in a sealed envelope through routine institutional mail channels:

(a) Emergency Grievance – Upon receipt, the reviewing authority as defined in paragraphs 33-103.002(15)(43)(a) through (d), F.A.C., shall take the following action as soon as possible, but no later than two calendar days following receipt:

1. through 3. No change.

4. If an emergency is not found to exist, a response will be provided to the inmate indicating that the complaint is an entry reading “not an emergency” shall be entered into Part B with instructions to resubmit at the proper level, signed and dated by the responding employee, and returned to the inmate within 72 hours of receipt.

- (b) through (f) No change.

(g) Grievance challenging placement in close management or subsequent review.

- (h) No change.
- (4) No change.

(5) Upon receipt of the formal grievance, the recipient [reviewing authority as defined in paragraphs 33-103.002(15)(43)(a) through (d), F.A.C.] shall cause the following to occur:

- (a) No change.

(b) A computer generated receipt or Part C, receipt section of the grievance, shall be completed and ~~the original copy of Part C shall be returned to the inmate;~~

- (c) through (d) No change.

(6) Following investigation and evaluation by the reviewing authority as defined in paragraphs 33-103.002(15)(43)(a) through (d), F.A.C., a response shall be provided to the inmate ~~on Part B of the form~~ within 20 calendar days of receipt of the grievance as required by paragraph 33-103.011(3)(b), F.A.C. The degree of investigation is determined by the complexity of the issue and the content of the grievance. The response shall state whether the grievance is approved, denied, or being returned and shall also state the reasons for the approval, denial or return.

- (a) through (b) No change.

(c) The reviewing authority as defined in paragraphs 33-103.002(15)(43)(a) through (d) shall retain a complete copy of the grievance on file.

- (d) No change.

- (7) No change.

(8) Mailing Procedures. The warden or person designated in paragraphs 33-103.002(15)(43)(a) through (d), F.A.C., shall establish a procedure in the institution or facility under his supervision for processing those grievances which require mailing. Inmates who are filing grievances that require mailing shall be required to utilize the procedure set forth in this rule when processing their grievances or appeals to the reviewing authority of community facilities or the Bureau of Inmate Grievance Appeals in the central office. The institution or facility shall provide postage for grievances submitted through this process. Procedures implemented shall include, at a minimum, the following:

- (a) through (b) No change.

(c) A requirement that the staff person designated to accept the grievance to be mailed shall:

1. Complete ~~the part C, receipt portion;~~ of the DC1-303 form for appeals being forwarded to central office by entering a log/tracking number the inmate's committed name, DC number, institution, date of receipt, and sign as the recipient.

2. ~~Enter a log/tracking number on the front of the lower left corner of the DC1-303 form and Record receipt of the grievance in the institutional log. The staff person shall not read or classify the grievance.~~

3. ~~Remove the white copy of the part C, receipt section of the DC1-303 form, and return it to the inmate.~~

3.4. Place the grievance in the mail ~~to the appropriate Regional Office or the Central Office~~ through the institution or facility mail service within one workday.

(d) The inmate shall have his grievance ready for mailing at the time he turns it over to staff for processing as described in paragraph (c) above. Once this process has been completed, the grievance will not be returned to the inmate. If the inmate

desires his grievance to be forwarded in a sealed envelope, the inmate shall provide to the staff a properly addressed envelope so that once the grievance is processed by staff, the grievance can be placed into the envelope and sealed for forwarding.

(e) If the inmate elects to mail the grievance to central office directly and bypass the logging/tracking process, the inmate may submit his or her grievance in a sealed envelope to be placed in the institutional bulk mail that is to be mailed daily to central office.

(f)(e) Upon receipt of the mailed grievance by the reviewing authority of community facilities in the regional office, or the Bureau of Inmate Grievance Appeals in the central office, the following shall occur:

1. The decision of whether or not the grievance has been timely filed by the inmate shall be made based upon the following comparisons:

- a. through b. No change.
- c. In the case of a grievance being filed directly at the institutional, regional, or central office level, by comparing the receipt date on the DC1-303 form to the date of the incident or situation giving rise to the complaint.

2. The receiving office shall review the grievance and determine the classification of the grievance and enter the same on in the area provided in part C, receipt that is returned section of the DC1-303 form. The receiving office shall then remove the canary copy of the receipt section of the DC1-303 form and return the same to the inmate.

3. No change.

(9) If an inmate is in a special housing unit and wants to file a grievance he shall submit the grievance to designated staff by placing the grievance in a locked box who shall be responsible for distribution of the grievance. The designated staff person shall deliver the box to the institutional grievance coordinator who will unlock the box, remove the grievances, log the grievances, and provide the inmates with receipts complete Part "C" of the DC1-303 form by entering the inmate's committed name, DC number, institution, date of receipt, and sign as the recipient. If the staff person is not the institutional grievance coordinator he shall not read or classify the grievance.

(10) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.006, Amended 8-1-00, 10-11-00, _____.

33-103.007 Appeals to the Office of the Secretary.

(1) through (2) No change.

(3) If the grievance appeal is not a direct grievance to the Office of the Secretary, the inmate shall:

- (a) No change.
- (b) Attach a copy of his informal grievance and response, except when appealing grievances on disciplinary action (excluding corrective consultations), medical issues,

admissible reading material, placement in close management and subsequent reviews, violation of the Americans with Disabilities Act, or grievances involving gain time governed by Rule Chapter 33-601.101, F.A.C., Incentive Gain Time.

(c) through (e) No change.

(4) No change.

(5) Upon receipt of the grievance appeal, the Chief of Inmate Grievance Appeals shall cause the following to occur:

(a) No change.

(b) A Part C, receipt section of the grievance shall be provided completed and the canary copy of Part C will be returned to the inmate;

(c) through (d) No change.

(e) Following appropriate investigation and evaluation by staff of the Bureau of Inmate Grievance Appeals, a response shall be provided to the inmate in Part B of Form DC1-303. The degree of investigation is determined by the complexity of the issue and the content of the grievance.

(f) No change.

(6) Direct Grievances.

(a) through (d) No change.

(e) Upon receipt of the direct grievance and following review of the same, if it is determined that the grievance is not an emergency grievance, a grievance of reprisal, or a grievance of a sensitive nature, or a grievance alleging a violation of HIPAA, the grievance shall be returned to the inmate with the reasons for return specified advising the inmate to resubmit his or her grievance at the appropriate level. The other applicable procedures in Rule 33-103.007, F.A.C., governing the processing of appeals to the Office of the Secretary shall apply to these four three types of grievances.

(7) through (8) No change.

Specific Authority 20.315, 944.09 FS., 45 C.F.R. 164.530. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 10-7-98, 2-17-99, Formerly 33-29.007, Amended 8-1-00, 6-29-03, _____.

33-103.008 Grievance of Medical Nature.

(1)(a) No change.

(b) If a formal grievance of a medical nature is received by the reviewing authority of community facilities as defined in paragraph 33-103.002(15)(13)(c) of community facilities it shall be forwarded to the Office of the Director for Regional Health Services for investigation and response. However, if the medical grievance originates out of one of the drug treatment centers which have a chief health officer, it shall be forwarded to that chief health officer for investigation and response. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the reviewing authority of community facilities to ensure appropriate filing and routing.

(c) No change.

(2) No change.

Specific Authority 20.315, 944.09 FS., 45 C.F.R. 164.530. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History–New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.008, Amended 6-29-03, Amended _____.

33-103.010 Grievances Regarding Lost Personal Property. Grievances concerning lost personal property shall be processed according to the provisions of this chapter and paragraphs ~~Rule 33-602.201(14)(a) through (e), F.A.C., Inmate Property, (13)(a) (g) through 6.~~

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-15-92, 6-1-97, 12-7-97, Formerly 33-29.010, Amended _____.

33-103.011 Inmate Grievances – Time Frames.

When determining the time frames for grievances in all cases, the specified time frame shall commence on the day following the date of the incident or response to the grievance at the previous level. For example, if an incident occurred on December 1, fifteen days from that date would be December 16.

(1) No change.

(2) An extension of the above-stated time periods shall be granted when it is clearly demonstrated by the inmate to the satisfaction of the reviewing authority as defined in paragraphs 33-103.002(15)(9)(a) through (d), F.A.C., or secretary that it was not feasible to file the grievance within the relevant time periods and that the inmate made a good faith effort to file in a timely manner. The granting of such an extension shall apply to the filing of an original grievance or when re-filing a grievance after correcting one or more deficiencies cited in Rule 33-103.014, F.A.C.

(3) Responding to Grievances.

(a) No change.

(b) Formal Grievances – The reviewing authority as defined in paragraphs 33-103.002(15)(9)(a) through (d), F.A.C., shall have up to 20 calendar days from the date of receipt of the grievance to take action and respond. See Rule 33-103.006, F.A.C.

(c) through (d) No change.

(4) through (5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.011, Amended _____.

33-103.012 Grievance Records.

(1) No change.

(2) This log shall be retained on file for a minimum of 4 years following final disposition of the grievance or appeal. ~~A report shall be prepared from this log and filed monthly by each reviewing authority as defined in 33-103.002(13)(a) through (d) and the Bureau of Inmate Grievance Appeals.~~ Copies of all grievances or appeals that are filed shall be maintained on record for a minimum of 4 years.

(3) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89. Amended 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.012, Amended _____.

33-103.013 Classification of Grievance.

Following receipt of the grievance or appeal, a computer generated receipt or part C of Form DC1-303 shall be completed and sent to the inmate except for grievances returned for one or more of the reasons cited in Rule 33-103.014, F.A.C. The subject area of the receipt shall indicate the major topic area of the grievance or appeal according to the following classifications:

(1) through (15) No change.

Specific Authority 20.315, 944.09 FS., 45 C.F.R. 164.530. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History–New 10-12-89, Amended 12-22-92, 8-10-97, 2-18-99, Formerly 33-29.013, Amended 6-29-03, Amended _____.

33-103.014 Reasons for Return of Grievance or Appeal Without Processing.

(1) The informal grievance, formal grievance, grievance filed direct, or grievance appeal, hereafter referred to as “grievance” in this section of the rule may be returned to the inmate without further processing if, following a review of the grievance, one or more of the following conditions are found to exist. The reasons listed below are the only reasons for returning a grievance without a response on the merits.

(a) through (k) No change.

(l) The inmate has written his or her complaint outside of the boundaries of the space provided on the grievance form or request form.

(m) through (t) No change.

(2) No change.

Specific Authority 20.315, 944.09 FS., 45 C.F.R. 164.530. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History–New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, 5-10-98, Formerly 33-29.014, Amended 6-29-03, Amended _____.

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) No change.

(2) Form DC6-236, Inmate Request, and Form DC1-303, Request for Administrative Remedy or Appeal, shall be available as a minimum from the institutional library, classification department, classification staff, and the housing officer of any living unit. ~~Form DC1-303, Request For Administrative Remedy or Appeal, shall be available as a minimum from the institutional library, classification department, classification staff, and the housing officer of any housing location.~~

(3) The warden, assistant warden or deputy warden (deputy warden applicable to private facilities only) is authorized to designate other staff to receive, review, and investigate any grievance of an institutional nature. The warden is authorized to designate the assistant warden or deputy warden (deputy warden applicable to private facilities

only) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans with Disabilities Act, grievances challenging placement in close management and subsequent reviews, grievances of an emergency nature, grievances of reprisal or grievances of a sensitive nature that are filed directly with the warden. For grievances filed directly with the warden, the decision to approve, return, or deny the grievance shall be made by the warden.

(4) through (5) No change.

(6) At no time will an inmate who is alleging that he was physically abused as described in Section 944.35(3), Florida Statutes, or alleging reprisal by staff, as defined in subsection 33-103.002(10)(9), F.A.C., be directed to submit his or her grievance to the staff person who is the subject of the complaint, nor will the grievance be referred to a staff person who is the subject of the complaint.

(7) through (11) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-29-92, 9-3-92, 12-22-92, 07-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended 8-1-00, 10-11-00, 2-7-01, 5-27-02, 1-2-03, _____.

33-103.017 Inmate Grievances – Reprisal.

(1) ~~No action shall be taken against an inmate as the result of the submission of a grievance or appeal.~~ Good faith use of or good faith participation in the grievance process shall not result in reprisal against the inmate.

(2) ~~An exception to this will be made where the inmate shall be subject to disciplinary action if the inmate knowingly includes false, threatening, obscene, or profane statements in the grievance or any of its attachments.~~ In this instance the inmate shall be subject to administrative action in accordance with the provisions of Rules 33-601.301-601.314, F.A.C., or criminal prosecution. Notwithstanding administrative or criminal proceedings, the grievance shall be responded to on its merits.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 12-22-92, 4-10-95, Formerly 33-29.016, Amended 10-11-00, _____.

33-103.018 Evaluation of the Grievance Procedure.

~~An annual evaluation of the grievance procedure shall be conducted by the Office of Internal Audit which shall report its findings to the Office of the Inspector General. This evaluation shall include information obtained from a survey of staff and inmates, review of employees' and inmates' comments on the effectiveness and credibility of the procedure pursuant to subsection 33-103.004(2), F.A.C., on-site visits to institutions and facilities by staff of the Office of Internal Audit and from monthly reports prepared by wardens and the Bureau of Inmate Grievance Appeals. Upon reviewing the completed audit, the Inspector General shall then direct that action be taken to address identified needs in the inmate grievance procedure.~~

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 12-22-92, 4-10-95, Formerly 33-29.017, Repealed

33-103.019 Inmate Grievances – Forms.

The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(1) Form DC1-303, Request for Administrative Remedy or Appeal, effective _____ ~~8-1-00~~;

(2) through (5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 4-10-95, 12-7-97, Formerly 33-29.018, Amended 8-1-00, 10-11-00, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Scope, Organization, Procedure, Forms, and Title	61B-80.101
Filing for Recall Dispute Arbitration	61B-80.102
Filing for Election Dispute Arbitration	61B-80.103
Expedited Procedure for Determination of Jurisdiction	61B-80.104
Computation of Time	61B-80.105
Parties; Appearances; Substitution and Withdrawal of Counsel	61B-80.106
Who May Appear; Criteria for Qualified Representatives	61B-80.107
Communication with an Arbitrator	61B-80.108
Withdrawal or Dismissal of Petition; Settlement	61B-80.109
Filing; Service of Papers; Signing	61B-80.110
Answer and Defenses	61B-80.111
Defaults and Final Orders on Default	61B-80.112
Motions; Motions for Temporary Injunctive Relief	61B-80.113
Summary Disposition; Simplified Arbitration Procedures; No Disputed Issues of Material Fact	61B-80.114
Discovery	61B-80.115
Conduct of Proceeding by Arbitrator	61B-80.116
Subpoenas and Witnesses; Fees	61B-80.117
Stenographic Record and Transcript	61B-80.118
Conduct of Formal Hearing; Evidence	61B-80.119
Notice of Final Hearing; Scheduling; Venue; Continuances	61B-80.120
Final Orders and Appeals	61B-80.121
Technical Corrections; Rehearing	61B-80.122
Motions for Attorney's Fees and Costs	61B-80.123
PURPOSE AND EFFECT: To provide the rules of procedure governing the arbitration of recall and election disputes under Sections 720.303, 720.306 and 720.311, Florida Statutes.	

SUBJECT AREA TO BE ADDRESSED: Mandatory binding arbitration of recall and election disputes in homeowners' associations.

SPECIFIC AUTHORITY: 720.303(10)(d), 720.306(9), 720.311(1), 718.1255(4)(i), 718.112(2)(j)5. FS.

LAW IMPLEMENTED: 720.303(10), 720.306(9), 720.311(1) 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.

TIME AND DATE: 10:00 a.m., September 13, 2004

PLACE: Conference Room B03, Fuller Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary draft rule is also available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Right to Recall and Replace a Board Director; Developers; Other Members; Class Voting	61B-81.001
Recall of One or More Directors of a Board at a Homeowner Meeting; Board Certification; Filling Vacancies	61B-81.002
Recall by Written Agreement of the Voting Interests; Board Certification; Filling Vacancies	61B-81.003

PURPOSE AND EFFECT: To address certain procedural and substantive issues regarding recall by written agreement and recall at a meeting in a homeowners' association pursuant to Sections 720.303(10), 720.306(9), and 720.311(1), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Mandatory binding arbitration of recall disputes in homeowners' associations.

SPECIFIC AUTHORITY: 718.112(2)(j)5., 720.303(10)(d), 720.311(1) FS.

LAW IMPLEMENTED: 720.301, 720.303(10), 720.307, 720.3075(1) 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.

TIME AND DATE: 10:00 a.m., September 13, 2004

PLACE: Conference Room B03, Fuller Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary draft rule is also available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Scope; Nature of Remedy; Forms	61B-82.001
Filing Petition for Mediation	61B-82.002
Answer	61B-82.003
Assignment of Mediator; Billing	61B-82.004
Parties	61B-82.005
Disputes Eligible for Mediation; Relief Requested	61B-82.006
Subsequent Proceedings; Conclusion of Mediation Proceeding	61B-82.007

PURPOSE AND EFFECT: To provide the procedural rules to be used in the mandatory mediation program of homeowners' association disputes governed by Section 720.311(1),(2), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Mandatory mediation of homeowners' association disputes.

SPECIFIC AUTHORITY: 720.311(1) FS.

LAW IMPLEMENTED: 720.311(2) 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.

TIME AND DATE: 10:00 a.m., September 13, 2004

PLACE: Conference Room B03, Fuller Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030 (The preliminary draft rule is also available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>)

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Scope, Organization, Procedure, Forms	61B-83.101
Filing Application for Certification; Verification Requirements	61B-83.002
Qualifications of Mediator or Arbitrators	
Certification Applicants	61B-83.003
Certification and Training Programs	61B-83.004

PURPOSE AND EFFECT: To provide procedures for Division certification of mediators and arbitrators pursuant to Section 720.311(2), Florida Statutes, in the area of homeowners' association disputes.

SUBJECT AREA TO BE ADDRESSED: Certification of mediators and arbitrators for use in the resolution of homeowners' association disputes.

SPECIFIC AUTHORITY: 720.311(1) FS.

LAW IMPLEMENTED: 720.311(2)(c) 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.

TIME AND DATE: 10:00 a.m., September 13, 2004

PLACE: Conference Room B03, Fuller Warren Building, 201 W. Bloxham Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030 (The preliminary draft rule is also available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>)

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: License Fees and Examination Fees
RULE NO.: 61J2-1.011

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to discuss changes to the fingerprint-processing fee.

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to fees.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.217, 475.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451, 68.065(2) FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, September 14, 2004

PLACE: Division of Real Estate, Commission Meeting Room, N901, 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, IF AVAILABLE, 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 NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

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

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

SUBJECT AREA TO BE ADDRESSED: Requirements for unlicensed dentists applying for a temporary certificate.

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.032, 466.017(4), 466.025 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) No change.

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

(3) through (4) No change.

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

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE CHAPTER TITLE: Continuing Professional Education
 RULE CHAPTER NO.: 64B5-12

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

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements regarding laws, rules and ethics.

SPECIFIC AUTHORITY: 456.013(8), 456.027, 456.031, 456.033, 466.004(4), 466.0135, 466.014, 466.017(3), (4) FS.

LAW IMPLEMENTED: 456.013(6), (7), (8), 456.027, 456.031, 456.033, 466.0135, 466.014, 466.017(3), (4), (5), 466.028(1)(i), (bb) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE CHAPTER TITLE: Anesthesia
 RULE CHAPTER NO.: 64B5-14

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

SUBJECT AREA TO BE ADDRESSED: Requirements regarding the administration of anesthesia.

SPECIFIC AUTHORITY: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 120.60(8), 466.017(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

School Psychology

RULE TITLE: RULE NO.:

Renewal of an Active License 64B21-503.002

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: 120.53(1), 490.015 FS.

LAW IMPLEMENTED: 490.007 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: RULE CHAPTER NO.:

Camps 64E-14

RULE TITLES: RULE NOS.:

Migrant Farmworker Housing – General 64E-14.001

Definitions 64E-14.002

Construction Procedures 64E-14.003

Permit, Standards, Inspections, Violations, Complaints and Retaliation 64E-14.004

Application and Variance Fees 64E-14.005

Sites 64E-14.006

Buildings and Structures 64E-14.007

Water Supply 64E-14.008

Garbage and Refuse Disposal 64E-14.009

Insect and Rodent Control 64E-14.010

Heating	64E-14.011
Lighting	64E-14.012
Sewage and Liquid Waste Disposal	64E-14.013
Plumbing	64E-14.014
Personal Hygiene Facilities	64E-14.015
Field Sanitation Facilities	64E-14.016
Food Service Facilities	64E-14.017
Beds and Bedding	64E-14.018
Fire Protection	64E-14.019
Citations	64E-14.020
Responsibility of Operator	64E-14.021
Supervision	64E-14.022
Enforcement	64E-14.023

PURPOSE AND EFFECT: The department proposes to amend the rules to conform them to recent changes in Chapter 381, F.S., as adopted in Chapter 2004-64, Laws of Florida, update and clarify certain requirements, adopt amended forms by reference, and address other program concerns identified in recent years.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments will address definitions, plan reviews, citations, construction procedures, inspections, application and variance fees, sites, buildings and structures, garbage and refuse disposal, insect and rodent control, lighting, personal hygiene facilities, food service facilities, beds and bedding, fire protection, and other matters that may arise during the review of the rules.

SPECIFIC AUTHORITY: 381.006(5), 381.0086 FS.

LAW IMPLEMENTED: 381.008, 381.0084, 381.0072, 381.0087 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: Leslie Harris, Environmental Administrator, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399, (850)245-4277

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: RULE NO.:

Medicaid SSI-Related Post Eligibility Treatment of Income 65A-1.7141

PURPOSE AND EFFECT: Rule 65A-1.7141, F.A.C., promulgates the Medicaid SSI-Post Eligibility Treatment of Income criteria, including the criteria for treatment of uncovered medical expense deductions and treatment of income for individuals in VA nursing facilities.

SUBJECT AREA TO BE ADDRESSED: This proposed amendment will promulgate the Medicaid SSI-Post Eligibility Treatment of Income criteria, including the criteria for treatment of uncovered medical expense deductions and treatment of income for individuals in VA nursing facilities.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, September 13, 2004

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nathan Lewis, Program Administrator, Building 3, Room 448, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)414-5927

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-21.002
Application and Selection Process for Loans	67-21.003
Applicant Administrative Appeal Procedures	67-21.0035
Federal Set-Aside	67-21.004
Public Policy Criteria Requirements and Qualified Resident Programs	67-21.0041
Determination of Method of Bond Sale	67-21.0045
Selection of Qualified Lending Institutions as Credit Underwriters, Originators or Servicers	67-21.005
Development Requirements	67-21.006
Fees	67-21.007
Terms and Conditions of Loans	67-21.008
Interest Rate on Mortgage Loans	67-21.009
Issuance of Revenue Bonds	67-21.010
No Discrimination	67-21.011
Advertisements	67-21.012
Non-Credit Enhanced Multifamily Mortgage Revenue Bonds	67-21.013
Credit Underwriting Procedures	67-21.014
Use of Bonds with Other Affordable Housing Finance Programs	67-21.015
Compliance Procedures	67-21.016

Transfer of Ownership	67-21.017
Refundings and Troubled Development Review	67-21.018
Issuance of Bonds for Section 501(c)(3) Entities	67-21.019

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2005 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.509 FS.

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

TIME AND DATE: following the Board Meeting at a time to be announced at the conclusion of the Board Meeting, September 10, 2004

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, Florida 32301

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS available on Florida Housing's website www.floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-48.001
Definitions	67-48.002
Notice of Funding or Credit Availability	67-48.003
Application and Selection Procedures for Developments	67-48.004
Applicant Administrative Appeal Procedures	67-48.005
Compliance and Reporting Requirements	67-48.006
Fees	67-48.007
No Discrimination	67-48.008

SAIL General Program Procedures and Restrictions 67-48.009

Additional SAIL Application Ranking and Selection Procedures 67-48.0095

Terms and Conditions of SAIL Loans 67-48.010

Sale, Refinancing or Transfer of a SAIL Development 67-48.0105

SAIL Credit Underwriting and Loan Procedures 67-48.012

SAIL Construction Disbursements and Permanent Loan Servicing 67-48.013

HOME General Program Procedures and Restrictions 67-48.014

Match Contribution Requirement for HOME Allocation 67-48.015

Eligible HOME Activities 67-48.017

Eligible HOME Applicants 67-48.018

Eligible and Ineligible HOME Development Costs 67-48.019

Terms and Conditions of Loans for HOME Rental Developments 67-48.020

Sale or Transfer of a HOME Development 67-48.0205

HOME Credit Underwriting and Loan Procedures 67-48.021

HOME Disbursements Procedures and Loan Servicing 67-48.022

Housing Credits General Program Procedures and Requirements 67-48.023

Qualified Allocation Plan 67-48.025

Housing Credit Underwriting Procedures 67-48.026

Tax-Exempt Bond-Financed Developments 67-48.027

Carryover Allocation Provisions 67-48.028

Extended Use Agreement 67-48.029

Sale or Transfer of a Housing Credit Development 67-48.030

Termination of Extended Use Agreement and Disposition of Housing Credit Developments 67-48.031

Minimum Set-Aside for Non-Profit Organizations Under Housing Credits Program 67-48.032

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

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

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

TIME AND DATE: following the Board Meeting at a time to be announced at the conclusion of the Board Meeting, September 10, 2004

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, Florida 32301

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS available on Florida Housing's website www.floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-48.002
Terms and Conditions of SAIL Loans	67-48.010

PURPOSE AND EFFECT: The purpose of this Rule is to clarify the procedures by which the Corporation shall determine development cash flow for purposes of calculating interest due on loans made under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.),

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to clarifying the procedures by which the Corporation shall determine development cash flow for purposes of calculating interest due on loans made under the State Apartment Incentive Loan (SAIL) Program.

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087 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: Barb Goltz, Chief Financial Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE: RULE NO.:

Food Permits; Requirements and Fees 5K-4.020

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish a definition for an additional category of food establishment. The rule will also establish the amount charged for an annual food permit for establishments covered by that definition and adjust the amount charged to certain other defined categories for an annual food permit. The effect of the rule is to add a definition which distinguishes minor food outlets which only offer foods for sale which are not perishable or potentially hazardous from other type of minor food outlets. A secondary effect is that the fees for other similar food establishment categories are adjusted to maintain internal consistency.

SUMMARY: The proposed rule establishes a new definition for a minor food outlet which only offers non-perishable, non-potentially hazardous foods to the public. The proposed rule establishes an annual permit fee for establishments meeting the definition, and adjusts the current annual permit fee amounts for firms defined as Limited Sales and as Semi-permanent Vendor.

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: 500.09, 500.12(1)(b), 570.07(23) FS.

LAW IMPLEMENTED: 500.04, 500.09, 500.10, 500.12(1)(a),(b),(c),(d), 500.121, 500.171, 500.172, 500.177 FS.

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

TIME AND DATE: 10:00 a.m., September 21, 2004

PLACE: Department of Agriculture and Consumer Services, Division of Forestry, Conner Complex, 3125 Conner Blvd., Conference Room, 2nd Floor, Tallahassee, Florida, (850)488-3951

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. J. D. Warren, Department of Agriculture and Consumer Services, Room 185, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) As used in this rule, the following definitions shall apply in determining food permit fees:

(a) through (m) No change.

(n) Minor food outlet, only non-perishable foods. A minor food outlet which sells, stores or offers only commercially prepackaged, non-potentially hazardous, non-perishable foods and at which there is no food processing activity, no food service or any activity related to repackaging of foods. Commercially prepackaged ice, not bagged on the premises, may be sold.

(n) through (bb) renumbered (o) through (cc) No change.

(2) through (4) No change.

(5) Food Permit Fees.

(a) No change.

(b) The following schedule of fees is established for each food permit.

Bottled Water Plant	\$500
Bottling Plant	350
Canning Plant	375
Convenience Store	300
Convenience Store with Limited Food Service	350
Convenience Store with Significant Food Service	425
Food Salvage Center	400
Food Storage Warehouse	325
Grocery Store	425
Health Food Store	275
Health Food Store with Food Service	350
Limited Sales	<u>100</u> 75
Meat Market	350
Minor Food Outlet	275
<u>Minor Food Outlet, Only Non-perishable Foods</u>	<u>175</u>
Minor Food Outlet with Limited Food Service	325
Minor Food Outlet with Significant Food Service	400

Mobile Vendor	275
Packaged Ice Plant	250
Processor, Other Non-perishable Foods	300
Processor, Other Perishable Foods	375
Rabbit or Game Processor	300
Retail Bakery	325
Retail Bakery with Food Service	400
Salvage Store	375
Seafood Market	325
Seafood Processor	400
Semi-permanent Vendor	175 200
Supermarket	500
Wholesale Bakery	425
(6) through (7) No change.	

Specific Authority 500.09, 500.12(1)(b), 570.07(23) FS. Law Implemented 500.04, 500.09, 500.10, 500.12(1)(a),(b),(c),(d), 500.121, 500.171, 500.172, 500.177 FS. History--New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98, 3-6-01, 10-30-01, 1-1-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Marion F. Aller, Director, Division of Food Safety
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. J. D. Warren, Assistant Director, Division of Food Safety
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2004

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Utilities Installation or Adjustment
 RULE CHAPTER NO.: 14-46
 RULE TITLE: Utilities Installation or Adjustment
 RULE NO.: 14-46.001
 PURPOSE AND EFFECT: The proposed amendment to Rule 14-46.001, F.A.C., is to incorporate by reference a revised *Utility Accommodation Manual* and revised Utility Permit form. The proposed revisions are the result of internal and industry input during the biennial review. Requests for changes and clarifications of processes were received from the Department's Construction, Design, and Maintenance Offices. Other changes have been made based upon utility industry request, changed technology, or to reduce the cost of infrastructure management as a result of utility use of the rights of way. This revision reflects improved business practices. A rule development workshop was conducted on February 6, 2002. The *Utility Accommodation Manual* draft includes changes resulting from that workshop and subsequent meetings with the utility industry.

SUMMARY: The proposed amendment to Rule 14-46.001, F.A.C., is to incorporate by reference a revised *Utility Accommodation Manual* and revised Utility Permit form. The proposed revisions are the result of internal and industry input during the biennial review.

SPECIFIC AUTHORITY: 334.044(2) FS.
 LAW IMPLEMENTED: 316.006, 334.044, 335.02, 337.401, 337.402, 337.403, 337.405, 339.05 FS.

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 regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

TIME AND DATE: 9:00 a.m., October 22, 2004
 PLACE: Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW RULE CHAPTER 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 FULL TEXT OF THE PROPOSED RULE IS:

14-46.001 Utilities Installation or Adjustment.

(1) Purpose. This rule policy is established to regulate the location and manner for installation and adjustment of utility facilities on any FDOT ~~right of way~~ right-of-way, in the interest of safety and ~~the~~ protection, utilization, and future development of ~~such rights of way~~ these rights of way, with due consideration given to public service afforded by adequate and economical utility installations, and to provide procedures for the issuance of permits.

~~(2) Authorization by the FDOT Required. No person shall enter upon any right-of-way under the jurisdiction of the FDOT to construct, alter, operate, maintain, or relocate any utility installation without first being issued a permit to do so, except as otherwise noted in the FDOT's Utility Accommodation Manual.~~

~~(2)~~(3) Permits.

(a) The FDOT will issue permits for the construction, alteration, operation, relocation, and maintenance of utilities upon the right of way ~~right-of-way~~ in conformity with the FDOT's *Utility Accommodation Manual*, ~~August 2004~~ January 1999 edition, FDOT Document No. 710-020-001-~~ed~~, which is hereby incorporated by reference and made part of this rule, and which supersedes all previous editions. Copies of this document are available from the FDOT via the Office of

~~Roadway Design, Utility Section at 605 Suwannee Street, MS 32, Tallahassee, Florida 32399-0450, or the Department Utility Web Site or File Transfer Protol Site as follows:~~

~~<http://www.dot.state.fl.us/rddesign/utilities/files/utilities.htm>
ftp://ftp.dot.state.fl.us/fdot/co/utilities/Proposed_2004_UAM_Rule_Change_Maps_and_Publication_Sales_605_Suwannee_Street_Mail_Station_12_Tallahassee_Florida_32399_0450~~

~~(b) The Utility Permit, FDOT Form 710-010-85, Rev. 08/04 01/99, is incorporated herein by reference. Copies of FDOT Form 710-010-85, Rev. 08/04 01/99, are available from the Department Utility Web Site listed above State Utility Engineer at 605 Suwannee Street, Mail Station 32, Tallahassee, Florida 32399-0450, or the District Maintenance Engineer's Office in each of the Department's districts.~~

~~(4) Reimbursement Conditions (Other than Interstate).~~

~~(a) The FDOT will not reimburse any utility for adjustment, relocation, or removal of existing utilities where the utility is located on public rights-of-way or other areas dedicated for public use.~~

~~(b) The FDOT will reimburse a utility for the relocation, adjustment, or removal of its facilities as a result of a FDOT construction project, where the utility's facilities are located on property in which the utility holds a compensable property interest.~~

~~(5) Reimbursement Conditions (Interstate). If relocation of utility facilities is required by construction of a project on the Federal Aid Interstate System and the cost of such project is financed by the federal government under the Federal Aid Highway Act, the FDOT will reimburse the expense of utility relocation which qualifies for reimbursement under Section 337.403(1)(a), Florida Statutes, and is subject to the provisions of 23 C.F.R., Part 645. Copies of these federal regulations are available from the FDOT Maps and Publication Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450.~~

~~(6) Calculation of State Cost Participation. When the utility is eligible for any reimbursement from the FDOT, state participation will be based on the cost of making the required change in the utility after deducting any resulting increase in the value of the new utility and any salvage value derived from the old utility, and otherwise as fixed by FDOT Procedure, Utility Relocation Costs, No. 710-010-030-b, effective May 19, 1989, which is hereby incorporated by reference and made a part of these rules. Copies of this document are available from the FDOT Maps and Publication Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450.~~

~~(7) Cost Development and Reimbursement. Reimbursement by the FDOT for any eligible utility work will be based upon an executed utility agreement between the FDOT and the utility, authorizing the work of adjusting or relocating utility facilities. Reimbursement for utility work involving Federal Aid Participation will be subject to the provisions of 23 C.F.R., Part 645.~~

~~(8) Utilities Liaison. FDOT will coordinate its advance planning of highway projects with the affected utilities to facilitate the relocation of the utility.~~

~~Specific Authority 334.044(2) FS. Law Implemented 316.006, 334.044, 335.02, 337.401, 337.402, 337.403, 337.405, 339.05 FS. History--New 5-13-70, Amended 8-10-78, 7-22-82, Formerly 14-46.01, Amended 7-5-90, 6-8-93, 8-30-99.~~

~~NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Weldon, State Utilities Engineer~~

~~NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin Thibault, Assistant Secretary for Engineering and Operations, for José Abreu, P.E., Secretary~~

~~DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2004~~

~~DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002~~

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Certificate of Need Application Procedures

RULE NO.: 59C-1.008

PURPOSE AND EFFECT: The agency is proposing to amend the rule that outlines Certificate of Need (CON) application procedures. The amended rule incorporates an amended CON application, increased CON filing fee, and removes requirements for CON filing with Local Health Councils.

SUMMARY: The proposed amended rule eliminates some projects from comparative review. The comparative review batching cycles are amended to reflect the change in reviewable projects. The rule amends Letter of Intent requirements and eliminates local health council requirements. The amended rule increases the CON filing fee and incorporates an amended CON application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

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

LAW IMPLEMENTED: 408.033, 408.035, 408.036(1) 408.037, 408.038, 408.039 FS.

IF REQUESTED 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: September 22, 2004, 2:00 p.m. Eastern Standard Time

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.008 Certificate of Need Application Procedures.

(1) Letters of Intent and applications subject to comparative review shall be accepted in two batching cycles annually each for hospital, beds and facilities and for other beds and programs, as specified in paragraph (g) of this subsection. The category "hospital beds and facilities" includes proposals for new hospital facilities, replacement hospital facilities if being replaced more than a mile away, acute care beds pursuant to Section 408.036(1)(g), F.S., the establishment of new neonatal level II and level III programs unless otherwise exempt pursuant to Section 408.036(3)(k), F.S. beds, hospital inpatient psychiatric beds, hospital inpatient substance abuse beds, and comprehensive medical rehabilitation beds unless otherwise exempt pursuant to Section 408.036(3)(i), F.S., and beds for long-term care. The category "other beds and programs" includes proposals for open heart surgery, pediatric cardiac catheterization, specialty burn units, organ transplantation, ~~distinct part skilled nursing unit (SNU) beds,~~ community nursing home projects, hospice programs, hospice inpatient ~~facilities~~ beds, and intermediate care facilities for the developmentally disabled.

(a) Letter of Intent. A letter of intent shall state with specificity the type of project proposed with sufficient clarity to notify the public of the intention to file a Certificate of Need application. A separate letter of intent is required for each type of project and for each type of bed, ~~or service or equipment~~ having a separate need methodology, proposed to be located in a different planning area as defined for each program under this Chapter, or licensing category, even if the projects are within the same facility. At least 30 days prior to the applicable batching cycle application due date, an applicant shall file a letter of intent respecting the development of a proposal in the following manner:

1. The letter of intent must be actually received by the agency by 5:00 p.m. local time. The original of the letter of intent must be submitted to the agency.

2. A letter of intent is for a specific project within a specific geographic planning area as defined by rule or statute for an established planning horizon. When no planning area is defined, the district should be specified.

3. through 4. No change.

(b) through (c) No change.

a. No change.

b. If the proposal is for a project which will result in licensure of a new health care facility or hospice, the applicant seeking the Certificate of Need must be in existence at the time the letter of intent is submitted. If the applicant is a corporation, Limited Partnership, or otherwise organized, it must have filed an application with the Florida Department of State authorizing the applicant to conduct business in Florida.

2. through 4. No change.

5. Location refers to the health planning subdistricts adopted in Chapter 59C-2, F.A.C. in each program rule under this Chapter, or the service districts. The applicant must indicate the subdistrict by name or number, Nursing home applicants as provided in Chapter 59C-2, F.A.C., must also and give the name of the county where the proposed project will be located, as provided in Chapter 59C-2, F.A.C.

(d) through (e) No change.

(f) No change.

1. The application must be actually received by the agency by 5 p.m. local time on or before the application due date. ~~The Local Health Council must receive a copy of the application bearing a postmark or shipping date that is no later than the application due date.~~

2. Applications for projects which exceed the proposed number of beds contained in the letter of intent shall not be deemed complete for review by the agency and shall be withdrawn from further review.

3. No change.

(g) No change.

(h) An applicant for a project subject to Certificate of Need review which affects an existing licensed health care facility, an existing licensed hospice, or an existing licensed intermediate care facility for the developmentally disabled ~~mentally retarded~~ must be the license holder. The legal name of the license holder must be stated. In addition, the license number and date of expiration must be stated. It is the responsibility of the person issued a license to keep licensure information current. If agency records indicate information different from that presented in the letter of intent with respect to the identification of the holder of the license and the licensure status, then the agency records create a rebuttable presumption as to the correctness of those records and therefore the application will be rejected.

(i) through (j) No change.

(2) No change.

(a) No change.

1. No change.

2. Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within 10 days of the date the fixed need pool was published in the Florida Administrative Weekly publication of the number. If the agency concurs in the error, the fixed need pool number will be adjusted and re-published in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this time period will result in no adjustment to the fixed need pool number for that batching cycle. ~~Any other adjustments will be made in the first cycle subsequent to identification of an error, including those errors identified through administrative hearings or final judicial review.~~

3. No change.

(b) No change.

1. No change.

2. Beds or services initially denied by the agency and subsequently granted in administrative hearing or by stipulated agreement will be counted as approved when the final order granting them is rendered. No beds or services previously denied will be included in the inventory based on a recommended order.

~~3. Beds or services initially denied by the agency and subsequently granted in a stipulated agreement will be counted as approved on the date the stipulated agreement is signed by all parties.~~

(c) Deleting Beds or Services. Beds or services will be included in the inventory as long as there is a valid intent to grant or a valid Certificate of Need outstanding. Beds or services will not be deleted from the inventory until an intent to grant is overturned in a final order or judicial review of the final order. Beds or services will not be deleted from the inventory until a Certificate of Need is rescinded, revoked, modified, voided, or voluntarily surrendered by an applicant. Licensed beds and services will be deleted when the license is no longer in effect. The effective date for the deletion will be the date the license was voluntarily surrendered by the license holder, the date of final agency action in the case of a final order or the date of a court order if a final order is appealed.

(d) through (e) No change.

(3) Filing Fees. Certificate of Need applications shall not be accepted by the agency at the time of filing unless accompanied by the minimum base Certificate of Need application filing fee in accordance with s. 408.038, F.S. The minimum base fee shall be \$10,000 ~~\$5,000~~. In addition to the base fee of \$10,000 ~~\$5,000~~, the fee shall be 0.015 of each dollar of the proposed expenditure, except that no fee shall exceed \$50,000 ~~\$22,000~~.

(a) through (c) No change.

~~(4) Submission to Local Health Council. Each applicant shall submit a copy of its application to the Local Health Council consistent with the requirements established under subsection (1)(f)1. of this rule.~~

~~(4)(5)~~ Certificate of Need Application Contents. An application for a Certificate of Need shall contain the following items:

(a) through (e) No change.

~~(5)(6)~~ Identifiable Portions. If an applicant would like to be considered for an award of an identifiable portion of the project, the application, at the time of submission, must include responses to the applicable questions on the identifiable portion. The agency may make a partial award only if the applicant included responses to the applicable questions in the application.

Specific Authority ~~408.034(6)~~ 408.034(5), 408.15(8) FS. Law Implemented 408.033, 408.037, 408.038, 408.039 FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 4-1-82, 7-29-82, 9-6-84, Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-10-92, Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 7-18-96, 9-16-96, 11-4-97, 7-21-98, 12-12-00, 4-2-01, 1-10-02, 6-26-03.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rommel Bain, Health Services and Facilities Consultant
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Rivera, Consultant Supervisor
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 23, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Certificate of Need Penalties
RULE NO.: 59C-1.021

PURPOSE AND EFFECT: The agency is proposing to amend the rule that outlines assessment of administrative fines for failure to comply with conditions placed on a Certificate of Need (CON).

SUMMARY: The proposed amended rule adds noncompliance with conditions placed on exemptions and failure to provide the Certificate of Need office with a compliance report as actions subject to the assessment of administrative fines. Failure to report compliance with any condition upon which the issuance of the Certificate of Need or exemption was predicated constitutes noncompliance. The rule is amended to incorporate the degree of noncompliance in the assessment of penalty.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

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

LAW IMPLEMENTED: 408.040 FS.

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

TIME AND DATE: 2:00 p.m. Eastern Standard Time, September 22, 2004

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.021 Certificate of Need Penalties.

(1) through (2) No change.

(3) Penalties for Failure to comply with Certificate of Need or Exemption Conditions. The agency shall review the annual compliance report submitted by the health care providers who are licensed and operate the facilities or services and other pertinent data to assess compliance with Certificate of Need or exemption conditions. Providers who are not in compliance with Certificate of Need or exemption conditions shall be fined. Failure to report compliance with any condition upon which the issuance of the Certificate of Need or exemption was predicated constitutes noncompliance. For community nursing homes or hospital-based skilled nursing units certified as such by Medicare, the first compliance report on the status of conditions must be submitted 30 calendar days following the eighteenth month of operation or the first month where an 85 percent occupancy is achieved, whichever comes first. The schedule of fines is as follows:

(a) Facilities failing to comply with any conditions or failing to provide the Certificate of Need office with a report on its compliance with conditions set forth on the Certificate of Need or exemption, will be assessed a fine, not to exceed \$1,000 per failure per day. In assessing the penalty the agency shall take into account the degree of noncompliance ~~relative lack of severity of a particular failure.~~

(b) No change.

(4) No change.

Specific Authority 408.15(8), 408.034(5) FS. Law Implemented 408.040(1)(b),(2)(a), 408.044 FS. History--New 7-25-89, Formerly 10-5.021, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rommel Bain, Health Services and Facilities Consultant

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Rivera, Consultant Supervisor

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Applications by Individuals

RULE NO.: 61J2-2.027

PURPOSE AND EFFECT: The purpose of the proposed rule change is to incorporate language to require applicants to submit criminal background records with their application.

SUMMARY: The proposed rule development affects rule provisions relating to the application process for real estate licensure.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COST: No Statement of Estimated Regulatory Costs was 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: 475.05 FS.

LAW IMPLEMENTED: 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987)

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, September 14, 2004

PLACE: Zora Neale Hurston Building, Conference Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-2.027 Applications by Individuals.

The application of a natural person for active licensure, whether the applicant expects to operate alone, or as a partner, or with a corporation, or as a sales associate, is governed by substantially the same rules and forms.

(1) The applicant must meet necessary personal qualifications as follows:

(a) Is 18 years of age or older.

(b) If the application is for broker:

1. Has been registered as an active sales associate for at least 12 months during the preceding 5 years under one or more brokers;

2. Has held a current and valid real estate sales associate's license for at least 12 months during the preceding 5 years in the employ of a governmental agency for a salary and performing the duties authorized in Chapter 475, Florida Statutes; or

3. Has held a current and valid real estate broker's license for at least 12 months during the preceding 5 years in any other state, territory, or jurisdiction of the United States, or in any foreign national jurisdiction.

(c) Hold a high school diploma or its equivalent.

(2) The applicant must make it possible to immediately begin the inquiry as to whether the applicant is honest, truthful, trustworthy, of good character, and bears a good reputation for fair dealings, and will likely make transactions and conduct negotiations with safety to investors and to those with whom the applicant may undertake a relation of trust and confidence. The applicant is required to disclose:

(a) If ever convicted of a crime, or if any judgment or decree has been rendered against the applicant for fraud or dishonest dealings, or

(b) If now a patient of a mental health facility or similar institution for the treatment of mental disabilities, or

(c) If ever called by, or done business under any other name, or alias, than the name signed on the application, with sufficient information to enable the Commission to investigate the circumstances, or

(d) If ever had a broker's or sales associate's license revoked, suspended, or otherwise acted against, or had an application for such licensure denied, by the real estate licensing agency of another state, territory, or country.

(3) Each application shall be accompanied by a completed FBI fingerprint card for processing, and a complete certified criminal history report from the Florida Department of Law Enforcement; and

(4) All applicants for permits to instruct or be a permitholder for a real estate school must comply with Sections 475.451(2)(a) and (c), F.S.

Specific Authority 475.05 FS. Law Implemented 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987). History--New 1-1-80, Formerly 21V-2.27, Amended 4-10-88, 5-20-90, 1-13-91, 7-15-92, 7-20-93, Formerly 21V-2.027, Amended 11-10-97, 1-18-00, 11-26-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

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

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

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 change is to clarify areas of competency relating to real estate broker and instructor examinations.

SUMMARY: The proposed rule development affects rule provisions relating to examination areas of competency for real estate licensure.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COST: No Statement of Estimated Regulatory Costs was 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: 475.05 FS.

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

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, September 14, 2004

PLACE: Zora Neale Hurston Building, Conference Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-2.029 Examination Areas of Competency.

(1) The answers to the Broker, Sales Associate, and Instructor examination shall be graded on the basis of 100 points for a perfect examination. An applicant who receives a grade of 75 points or higher shall be deemed to have successfully completed the licensure examination. The sales associate examination shall be based upon a knowledge, understanding and application of real estate principles and practices, real estate law and real estate mathematics as contained in the Commission prescribed prerequisite education course syllabus for licensure as a real estate sales associate. To the extent these subject areas can reasonably be separated, 45 points shall be based on law, 45 points on principles and practices and 10 points on real estate mathematics. The broker and instructor examinations shall be based upon a knowledge, understanding and application of real estate law, real estate principles and practices including appraising, finance, investment and brokerage management and real estate mathematics as contained in the prerequisite education course syllabus for licensure as a real estate broker. The broker examination shall also be based upon a knowledge, understanding and application of principles and concepts contained in the sales associate syllabus. To the extent these subject areas can reasonably be separated, 45 points shall be based on law, 40 points on principles and practices and 15 points on real estate mathematics.

(2) A successful applicant may lawfully practice the services of real estate provided employment information is on file with the DBPR.

Specific Authority 475.05 FS. Law Implemented 455.217(1)(b) FS. History--New 1-1-80, Amended 4-13-81, Formerly 21V-2.29, Amended 6-28-93, Formerly 21V-2.029, Amended 1-18-00, 2-4-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2004

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Mobile Home Relocation Corporation

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General and Procedural Rules	61M-1
RULE TITLES:	RULE NOS.:
Procedures for Operation	61M-1.001
Claims Procedures	61M-1.002
Approved Forms	61M-1.003

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 61M-1.001, F.A.C., is to correctly reflect the Corporation's responsibilities to receive and disburse funding for abandonment of mobile homes as well as relocation of such homes. The purpose of the proposed amendments to Rule 61M-1.002, F.A.C., is to reflect changes in mobile home owner documentation and reimbursements and park owner invoice amounts made by 2003 legislation, Chapter 2003-263, L.O.F., and 2004 legislation, Chapter 2004-13, L.O.F.. The purpose of the proposed amendments to Rule 61M-1003, F.A.C., is to adopt by reference ministerial changes to the forms used by the Florida Mobile Home Relocation Corporation in the administration of its duties, and to adopt by reference a new form developed to reflect statutory changes made in 2003, Chapter 2003-263, L.O.F.

SUMMARY: The proposed amendments reflect the changes made in the 2003 and 2004 legislative sessions to the governing statutes, identify necessary forms within the text of the Rules, and adopt amended and new forms by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No formal summary 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: 723.0611(3) FS.

LAW IMPLIMENTED: 723.0611, 723.0612 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: Cari L. Roth, General Counsel, Bryant Miller & Olive, 201 South Monroe Street, Suite 500, Tallahassee, Florida 32301, (850)222-8611

THE FULL TEXT OF THE PROPOSED RULES IS:

61M-1.001 Procedures for Operation.

(1) through (5) No change.

(6) The corporation shall implement procedures, in conjunction with the department, for the transfer of funds from the Florida Mobile Home Relocation Trust Fund to the corporation for the payment of claims for relocation and abandonment expenses approved by the board of directors.

Specific Authority 723.0611(3) FS. Law Implemented 723.0611, 723.0612 FS. History--New 1-6-04, Amended

61M-1.002 Claims Procedures.

(1) In order to receive payment from the corporation for relocation expenses, the mobile home owner shall submit to the corporation, with a copy to the park owner, a Home Owner Application for Payment of Relocation Expenses, FMHRC Form 1001, which includes a copy of the notice of eviction due

to change in use of the land comprising the mobile home park and a copy of the signed contract with a moving or towing contractor that includes an itemization of the costs of taking down, moving and setting up the mobile home in a new location. The copy of the notice of eviction shall show a date after July 1, 2001, the effective date of the statute creating the Florida Mobile Home Relocation Corporation. The cost itemization referenced herein shall be in a form substantially similar to the Installer's Form, FMHRC Form 1007 in order to be considered for approval by the board of the corporation. The application shall also include a copy of the title to the mobile home showing the name of the owner of the home being the same as the applicant for relocation expenses. The title certificate must bear the Department of Highway Safety and Motor Vehicles designation of "HS" which designates the home as a "mobile home." No other designation on the title will be accepted for processing and approval for relocation expenses. Any application received that does not contain complete information and all of the required documentation shall be returned by the corporation to the applicant along with a notice of the deficiencies in the application. Only completed applications will receive a date stamp. In the event the applicant resubmits the application with the required documentation, the application will then receive a date stamp assigning its priority. Applicants for payment under this section shall also submit an Acknowledgement of Non-Participation in Litigation and Acknowledgement of Non-Acceptance of Compensation from Park Owner, FMHRC Form 1008. A mobile home owner who complies with the application requirements of law and rule shall be entitled to payment of the actual moving expenses to relocate the mobile home within a 50-mile radius of the vacated park, not to exceed \$3,000 for a single-section mobile home or \$6,000 for a multi-section mobile home. Please refer to the Corporation's website for the forms referenced herein and for additional information on how to submit an application for assistance from the Corporation, www.fmhrc.net.

(2) Any claims made pursuant to this rule shall be prioritized as follows: The mail will be collected from the post office box address of the corporation at least Monday, Wednesday and Friday, state and federal holidays excluded. Any completed applications received will be date stamped. Priority of payment of claims for relocation expenses will be based upon the date the completed application is date stamped.

(3) The corporation must approve payment within 45 days after receipt of the completed application, or payment is deemed approved. Once the mobile home has been moved to its new location, the corporation shall forward to the park owner a copy of the approval along with an invoice for payment of ~~\$2,750~~^{\$2,750} for a single-section mobile home or ~~\$3,750~~^{\$3,750} for a multi-section mobile home. If the homeowner's application was approved prior to June 26, 2003,

the corporation will invoice the park owner for payment of \$2,000 for a single-section mobile home or \$2,500 for a multi-section mobile home.

(4) If funds are available and the completed application is approved, the following shall occur:

(a) In the event the mobile home has not yet been moved to a new location, the corporation shall issue a voucher to the moving or towing contractor in the amount of the contract price for relocation of the mobile home. The amount of the voucher shall be as approved by the board of the corporation and as set forth in Section 723.0612(1), F.S. The moving or towing contractor may redeem the voucher from the corporation following completion of the relocation of the mobile home and upon approval of the relocation by the mobile home owner that the work performed was satisfactory. Within 30 days of receipt of Contractor Voucher for Payment for Mobile Home Relocation, FMHRC Form 1003, ~~the voucher~~ and proof of the satisfactory completion of the relocation by the moving or towing contractor, the corporation shall pay the amount set forth on the voucher.

(b) In the event the home owner has already moved the mobile home to a new location and paid for the move, the corporation shall issue a voucher to the home owner whose application was previously approved by the corporation in accordance with this rule. The amount of the voucher shall be as approved by the board of the corporation and as set forth in Section 723.0612(1), F.S. The home owner may redeem the voucher upon submitting proof of the relocation of the mobile home in the form of a receipt or invoice marked "paid" by the moving or towing contractor. Within 30 days of receipt of Home Owner Voucher for Payment for Mobile Home Relocation, FMHRC Form 1004, ~~the voucher~~ and proof of the relocation by the moving or towing contractor, as set forth herein, the corporation shall pay the amount set forth on the voucher.

(5) In the event a mobile home owner who has been evicted for change in the use of the land chooses to abandon the mobile home pursuant to Section 723.0612(7), F.S., the home owner who received a notice of eviction on or after June 26, 2003 may collect ~~an amount equal to one fourth of the maximum allowable moving expenses~~ from the corporation \$1,375 for a single-section mobile home and \$2,750 for a multi-section mobile home so long as the mobile home owner delivers to the park owner the current title to the mobile home properly endorsed by the owner of record with valid releases of all liens shown on the title. If the home owner received a notice of eviction prior to July 26, 2003, the homeowner may collect an amount equal to one fourth of the maximum allowable moving expenses. In order to qualify for reimbursement under this subsection, the title certificate on the mobile home sought to be abandoned must bear the Department of Highway Safety and Motor Vehicles designation of "HS" which is the designation as a "mobile home." No other designation will be

accepted for processing and approval for payment for an abandoned home. The mobile home owner who seeks payment under this section shall submit to the corporation an Application for Payment for Abandoned Mobile Home, FMHRC Form 1002, which includes a copy of the notice of eviction due to change in the use of the land comprising the mobile home park and a copy of the current title to the mobile home with the proper designation of "HS" duly endorsed to the park owner by the owner of record and valid releases of all liens shown on the title. Applicants for payment under this paragraph shall also submit an Acknowledgment by Park Owner When a Home Is Abandoned, FMHRC Form 1009, with either the park owner's signature acknowledging abandonment and agreeing to make payment to the corporation, or the home owner's signature certifying their inability to obtain the park owner's signature; Abandonment Acknowledgement, FMHRC Form 1010, which is a notarized form stating where the home was abandoned and the address payment should be sent to; and Acknowledgement of Non-Participation in Litigation and Acknowledgement of Non-Acceptance of Compensation for Park Owner, FMHRC Form 1008. For applications approved on or after April 26, 2004, the corporation shall forward the park owner a copy of the approval along with an invoice for payment of \$1,375 for a single-section and \$2,750 for a multi-section mobile home. For application approved prior to April 26, 2003, the corporation shall forward the park owner a copy of the approval along with an invoice for payment of one fourth of the maximum allowable moving expenses. Please refer to the Corporation's website for the forms referenced herein and for additional information on how to submit an application for assistance from the Corporation, www.fmhrc.net. Upon approval of the application by the corporation, the corporation shall forward to the park owner a copy of the approval along with an invoice for the payment of one-fourth of the maximum allowable moving expenses.

(6) In the event the funds for payment of relocation expenses or the payment for abandonment of the mobile home have been exhausted due to the payment of previous claims and expenses of the corporation, the mobile home owner who has properly completed the application and attached the required documentation will receive a certificate showing the time and date of approval of payment to a claimant. Should sufficient funds become available, the corporation shall pay the claimant for relocation expenses whose unpaid claim is the earliest by time and date of approval. In the event the funds for payment for an abandoned home have been exhausted, the corporation shall pay the home owner at the time the park owner has made the required payment to the corporation ~~of the one-fourth of the maximum allowable moving expenses as set forth in the previous subsection.~~

Specific Authority 723.0611(3) FS. Law Implemented 723.061, 723.06116, 723.0612 FS. History--New 1-6-04, Amended.

61M-1.003 Approved Forms.

The corporation adopts the forms below as suggested forms for use by mobile home owners and park owners:

- (1) Home Owner Application for Payment of Relocation Expenses, FMHRC Form 1001, incorporated by reference herein and effective 1-6-04, amended.
- (2) Application for Payment for Abandoned Mobile Home, FMHRC Form 1002, incorporated by reference herein and effective 1-6-04, amended.
- (3) Contractor Voucher for Payment for Mobile Home Relocation, FMHRC Form 1003, incorporated by reference herein and effective 1-6-04, amended.
- (4) Home Owner Voucher for Payment for Mobile Home Relocation, FMHRC Form 1004, incorporated by reference herein and effective 1-6-04, amended.
- (5) Certificate for Payment of ~~When~~ Relocation Expenses When Funds Become Available, FMHRC Form 1005, incorporated by reference herein and effective 1-6-04, amended.
- (6) Certificate for Payment for ~~Abandoned Home~~ Funds Become Available, FMHRC Form 1006, incorporated by reference herein and effective 1-6-04, amended.
- (7) Installer's Form ~~Standard Form Relocation Contract~~, FMHRC Form 1007, incorporated by reference herein and effective 1-6-04, amended.
- (8) Acknowledgement of Non-Participation in Litigation and Acknowledgement of Non-Acceptance of Compensation for Park Owner, FMHRC Form 1008, incorporated by reference herein and effective.
- (9) Acknowledgment by Park Owner When a Home Is Abandoned, FMHRC Form 1009, incorporated by reference herein and effective.
- (10) Abandonment Acknowledgment, FMHRC Form 1010, incorporated by reference herein and effective.

All forms referenced in these rules may be obtained by writing to the Florida Mobile Home Relocation Corporation, Post Office Box 14125, Tallahassee, Florida 32317-4125 or by visiting www.fmhrc.net.

Specific Authority 723.00611(3) FS. Law Implemented 723.061, 723.0611, 723.06116, 723.0612 FS. History--New 1-6-04, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cari L. Roth, General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Connie Prince, Executive Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 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 Medicine

RULE TITLE: Physician Assistant Licensure Renewal and Reactivation
 RULE NO.: 64B8-30.005

PURPOSE AND EFFECT: The proposed rule amendments are necessary make the Board of Medicine and Board of Osteopathic Medicine rules on the same subject similar.

SUMMARY: The proposed rule amendments clarify requirements for reactivation of licensure.

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

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

SPECIFIC AUTHORITY: 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.031(1), 456.033, 458.347 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.005 Physician Assistant Licensure Renewal and Reactivation.

(1) through (3) No change.

(4) Reactivation of Inactive License. To reactivate a license that has been inactive for two (2) consecutive biennial cycles an inactive license, the licensee must:

(a) through (f) No change.

(5) through (6) No change.

(7) The failure of any license holder to ~~either~~ renew the license ~~or elect inactive status~~ before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must ~~affirmatively~~ apply for active or inactive license status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to become active or inactive cause

~~the license to be reactivated or made inactive~~ before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(b) The delinquent status licensee who applies for active or inactive licensure license reactivation or inactive status shall:

1. File with the Department the completed application for either active or inactive license status reactivation as required by Section 458.347, F.S., or inactive status as required by Section 456.036, F.S.;

2. Pay to the Board ~~either the applicable license renewal reactivation fee or the inactive status fee~~, the delinquency fee, and if applicable, the processing fee; and

3. If active status reactivation is elected, demonstrate compliance with the continuing education requirements found in Rule 64B8-30.005, F.A.C.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS. Law Implemented 456.013, 456.031(1), 456.033, 458.347 FS. History—New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98, 3-3-02, 10-12-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Physician Assistants

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

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

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

DEPARTMENT OF HEALTH

Office of Vital Statistics

RULE TITLES:	RULE NOS.:
PART I DELAYED BIRTH REGISTRATION	
Delayed Birth Registration Requirements; Fees	64V-1.001
PART II AMENDMENT OF BIRTH CERTIFICATES	
Birth Certificate Amendments;	
Who May Apply; Fees	64V-1.002
Birth Certificate Amendments; Documentary	
Evidence Requirements	64V-1.003
Birth Certificate Amendments by	
Paternity Establishment; Judicial	
and Administrative Process	64V-1.0032
PART III BIRTH, DEATH AND FETAL DEATH	
REGISTRATION	
Evidence Required for Births Occurring	
Outside of a Facility	64V-1.006
Death and Fetal Death Registration	64V-1.0061
PART VII ASSOCIATED ACTIVITIES	
Disposition of Fetal Demise	64V-1.019

PURPOSE AND EFFECT: Purpose of proposed amendments is to change certain practices used in the amendment of birth records and to update forms incorporated in rules due to recent legislation.

SUMMARY: Amending forms to clarify information relative to amendment actions and adding ability for parents to acknowledge paternity of father by witnessed signatures at time of child's birth or subsequent to the birth as an amendment action. Also, amending Certificate of Death, DH Form 512 as a result of revision of the Model Vital Statistics death certificate.

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: 63.054, 382.003(7),(10),(11), 382.008, 382.015(6), 382.016, 382.025, 382.0255(3), 383.33625(3) FS.

LAW IMPLEMENTED: 63.054, 63.152, 68.07(4), 382.003(7),(11), 382.008, 382.012, 382.013(2), 382.015, 382.016, 382.017, 382.019, 382.021, 382.023, 382.025, 382.0255(1), 383.33625, 742.10, 742.16 FS.

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

TIME AND DATE: 1:00 p.m., September 20, 2004
 PLACE: Room 402, Boorde Building, 1217 Pearl Street, Jacksonville, Florida 32202

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kevin Wright, Government Analyst, Department of Health, Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I DELAYED BIRTH REBISTRATION

64V-1.001 Delayed Birth Registration Requirements; Fees.

(1) All delayed birth registrations must be accompanied by an Application for Florida Delayed Certificate of Birth, DH Form 521, ~~Jul 04 Jun 03~~ hereby incorporated by reference and available from the department and the fee required by subsection (2) of Rule 64V-1.014, F.A.C., and by documents described in subsection (2) of Rule 64V-1.001, F.A.C., which substantiate the following facts of birth:

(2) through (4) No change.

(5) The Application For Florida Delayed Certificate of Birth, July 04 ~~Delayed Certificate of Birth, DH Form 520, Sept.97,~~ hereby incorporated by reference, and available from

~~the department,~~ must be signed by a parent or guardian for a registrant under the age of 18. A registrant 18 years or older, or if disability of nonage has been removed and the registrant provides proof of such removal, must sign this form.

Specific Authority 382.003(10),(11), 382.019, 382.0255(3) FS. Law Implemented 382.003(7),(11), 382.019 FS. History--New 1-1-77, Formerly 10D-49.13, Amended 10-1-88, 10-1-90, 4-18-96, 12-26-96, Formerly 10D-49.013, Amended 11-11-98, 7-18-00, 2-29-04,_____.

PART II AMENDMENT OF BIRTH CERTIFICATES

64V-1.002 Birth Certificate Amendments; Who May Apply; Fees.

(1) A request for an amendment to a birth certificate made pursuant to subsection (1) of 382.016, F.S., shall be submitted with an Application for Amended Florida Birth Record, DH Form 429, ~~Jun 03 Mar 03~~ hereby incorporated by reference and available from the department and accompanied by statutory fees required pursuant to subsection (3) of Rule 64V-1.014, F.A.C., an Affidavit of Amendment to Certificate of Live Birth, DH Form 430, ~~May 04 Jan 00~~, hereby incorporated by reference and available from the department and documentary evidence, if required, by Rule 64V-1.003, F.A.C. The required Affidavit of Amendment to Certificate of Live birth, DH Form 430, must be signed before a notarizing official by a registrant who is at least 18 years of age or if disability of nonage has been removed and the registrant provides proof of such removal; or if under 18, by his or her parent(s) named on the certificate or guardian or agency having legal custody of the registrant. When requesting any correction to the name of the registrant, both parents must sign the affidavit if both parents are named on the birth record.

(2) No change.

Specific Authority 382.003(10), 382.015(6), 382.0255(3) FS. Law Implemented 63.152, 382.003(7), 382.015, 382.017 FS. History--New 11-11-98, Amended 7-18-00,_____.

64V-1.003 Birth Certificate Amendments; Documentary Evidence Requirements.

(1) The following amendments do not require supporting documentary evidence;

(a) Hour of birth, parent(s) age or date of birth, residence, mailing address, ~~social security numbers;~~

(b) Misspelling or transposition of letters in names of registrant or parent(s);

(c) Changing a child's given name or surname up to the child's 1st birthday;

~~(d)(e)~~ Adding given name(s) of registrant up to the registrant's 7th birthday;

~~(e)(d)~~ Adding of given name(s) of parent(s);

~~(f)(e)~~ Transposition of parent(s) given names;

~~(g)(f)~~ Sex if item was left blank, or if sex as recorded is clearly in conflict with given names as recorded;

~~(h)(g)~~ Date of birth up to 10 days within the same calendar year but not later than the file date;

~~(i)(h)~~ Mother's maiden name if married surname was originally recorded;

~~(i)(i)~~ Parent(s) state or country of birth except for a change from foreign country to United States; and

~~(k)(i)~~ Any other item not covered in this subsection or subsection (2) of Rule 64V-1.003, F.A.C.

(2) Amendments to birth certificates as specified below shall be accompanied by original, certified, or notarized supporting documentary evidence. Except for paragraph (2)(e) of Rule 64V-1.003, F.A.C., documents submitted for registrant 18 years or older must have been established prior to the 18th birthday and at least five years old; documents submitted for registrant under the age of 18 must have been established within the first 7 years of the date of birth:

(a) through (h) No change.

(i) Parent(s) country of birth from foreign born to United States; ~~and~~

(j) Parent(s) race; ~~and~~-

(k) Social security number of registrant or parent(s).

(3) The documents submitted must substantiate the following facts of birth;

(a) through (b) No change.

(c) Sex of child;

(d) No change.

(e) Place of birth, and

(f) Date the document was originally established.

(4) Suggested sources of documentary evidence are as follows:

(a) through (b) No change.

(c) Vital records of parent(s) ~~or~~ ~~and~~ sibling(s) upon submission of an affidavit from the parent or sibling authorizing such use;

(d) through (f) No change.

(g) Social security record containing birth information provided at the time of application for a social security account number application;

(h) through (i) No change.

(5) No change.

Specific Authority 382.003(10)(~~11~~), 382.016, 382.0255(3)(~~4~~)(~~e~~) FS. Law Implemented ~~382.003(7)~~, 382.016 FS. History--New 1-1-77, Formerly 10D-49.16, Amended 10-1-88, 10-1-90, 4-18-96, 12-26-96, Formerly 10D-49.016, Amended 11-11-98, _____.

64V-1.0032 Birth Certificate Amendments by Paternity Establishment; Judicial and Administrative Process.

(1) Any judgment establishing paternity entered by a Florida court pursuant to Section 742.10, or Section 382.015(2), F.S., shall be recorded on a Certified Statement of Final Judgment of Paternity, DH Form 673, July 04 ~~May 03~~, hereby incorporated by reference and available from the department. Upon receipt of a Certified Statement of Final Judgment of Paternity, DH 673, completed and certified by the

clerk of the circuit court entering the paternity judgment, the department shall amend the birth certificate if the child was born in this state.

(2) A request to amend a birth certificate upon written request of the parents pursuant to paragraph (1)(b) of Section 382.016, F.S., shall be submitted on a Consenting Affidavit Acknowledging Paternity, DH Form 432, July 04 ~~June 02~~, hereby incorporated by reference and available from the department. The Consenting Affidavit Acknowledging Paternity, DH Form 432 must be signed by both parents and both signatures must be notarized.

(3) through (4) No change.

Specific Authority 382.003(10),(11), 382.015(6), 382.016(1), 382.0255(3) FS. Law Implemented 382.003(7),(11), 382.015(2),(3), 382.016(1)(b), 742.10, 742.16 FS. History--New 11-11-98, Amended 7-18-00, 2-29-04, _____.

PART III BIRTH, DEATH AND FETAL DEATH REGISTRATION

64V-1.006 Birth Registration; Evidence Required for Births Occurring Outside of a Facility.

(1) All birth records filed in this state pursuant to Section 382.013, F.S., shall be registered on a Certificate of Live Birth, DH Form 511, July 04 ~~Jan 04~~, hereby incorporated by reference and available from the department.

(2) If a birth occurs outside a facility and the child is not taken to a facility within 3 days after delivery, a Certificate of Live Birth, DH Form 511, July 04 ~~Jan 04~~, will be accepted for registration by a local registrar and state filing by the Office of Vital Statistics if corroborated by a written statement from a licensed physician or a licensed midwife in attendance during or immediately after the birth.

(3) If a written statement referenced in subsection (2) of Rule 64V-1.006, F.A.C., cannot be obtained, corroborating evidence or actions as follows may be substituted:

(a) Presentation of the child for whom the certificate is being filed at the DH county health department or a home visit by an official of a DH county health department to verify the birth; and

(b) A written statement from at least 2 persons other than the parents affirming that to the best of their knowledge of conditions prior to or immediately after the alleged birth that such birth did occur on the date and at the place shown on the certificate; or

(c) If sufficient corroborating evidence cannot be obtained a delayed birth certificate may be filed under Section 382.0195, F.S.

Specific Authority 382.003(7),(10) FS. Law Implemented 382.003(7),(10), 382.013 FS. History--New 10-1-90, Formerly 10D-49.0194, Amended 11-11-98, 7-18-00, 2-29-04, _____.

64V-1.0061 Death and Fetal Death Registration

All deaths except for fetal deaths filed pursuant to Section 382.008, F.S., shall be registered on a Certificate of Death, DH Form 512, July 04 ~~Sept 96~~. All fetal deaths occurring in this

state shall be filed on a Certificate of Fetal Death, DH Form 428, Nov. 97, both hereby incorporated by reference and available from the department.

Specific Authority 382.003(10), 382.008 FS. Law Implemented 382.003(7),(11), 382.008 FS. History--New 2-29-04, Amended _____.

PART VII ASSOCIATED ACTIVITIES

64V-1.019 Disposition of Fetal Demise.

In accordance with Section 383.33625, F.S., a Notification of Disposition of Fetal Demise, DH Form 1966, ~~Oct 03~~ ~~Aug 03~~, hereby incorporated by reference and available from the department shall be issued by a health care practitioner as provided by law.

Specific Authority 383.33625(3) FS. Law Implemented 383.33625 FS. History--New 2-29-04, Amended _____.

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-60	Airport Licensing, Registration, and Airspace Protection
RULE NOS.:	RULE TITLES:
14-60.003	Purpose, Definitions, and Designation of Signature Authority
14-60.005	Airport Site Approval
14-60.006	Airport Licenses and Registrations
14-60.007	Airfield Standards for Licensed Airports
14-60.009	Airspace Protection
14-60.011	Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 14, April 2, 2004, Pages 1356-1380 issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE: Changes are being made in response to a review by the Joint Administrative Procedures Committee.

1. Subparagraph 14-60.003(2)(b)9., F.A.C.: The definition of IFR is revised to delete the incorporation by reference statement.

2. Subparagraph 14-60.003(2)(b)23., F.A.C.: The definition of VFR is revised to delete the incorporation by reference statement.

3. Subsection 14-60.005(2), F.A.C.: This section is changed to delete “renewal of an” and substitute “issuance of a new” when referring to a site approval order. The revised language reads as follows:

“(2) ~~Issuance Renewal~~ of a new ~~an~~ airport site approval order shall be required by the Department, whenever:”

4. Paragraph 14-60.005(2)(a), F.A.C.: This section is changed to delete the word “considers” and substitute “has determined” and to add the phrase “because the site approval application contained inaccurate data or misrepresentation of facts” so that the revised section reads as follows:

“(a) The Department ~~has determined~~ ~~considers~~ the airport site approval order to be invalid because the site approval application contained inaccurate data or misrepresentation of facts.”

5. Paragraph 14-60.005(2)(c), F.A.C.: This section is changed to read as follows:

“(c) The license for an existing public airport has expired, without having a new license issued ~~being renewed.~~”

6. Paragraph 14-60.005(3)(c), F.A.C.: The term “expedited” is deleted in reference to site approval. The section is changed to read:

“(c) Temporary Airport. Temporary, public or private airport site approval applicants, due to the limitations placed on their use for a period of less than 30 days and the restriction to no more than 10 operations per day, and due to a normal short lead-time prior to the necessity for activating flight operations, shall have ~~an expedited~~ site approval process with each proposal evaluated by the Department based upon the application. Applicants for a temporary, public or private airport site approval should contact the Department at the earliest opportunity to present their requirements and request ~~an expedited~~ site proposal review and Department approval or disapproval.”

7. Subsection 14-60.005(4), F.A.C.: The conditions for site approval are added.

(4) Conditions for Site Approval. The Department shall grant site approval for a proposed airport that complies with the requirements of Section 330.30, Florida Statutes, subject to any reasonable conditions necessary to protect the public health, safety, or welfare. Such conditions shall include operations limited to VFR flight conditions, restricted approach or takeoff direction from only one end of a runway, specified air-traffic pattern layouts to help prevent mid-air collision conflict with aircraft flying at another nearby airport, airport noise abatement procedures in order to satisfy community standards, or other environmental compatibility measures.”

8. Subsection 14-60.005(6), F.A.C.: The sentence relating to retention of records for private airport site approval applicants is revised to read as follows: “However, all private airport site approval applicants shall retain for their records all

of the required documentation related to the site approval application, in order to be able to respond to any possible future local, state, or federal inquiry.”

9. Subsection 14-60.005(6), F.A.C.: The following subsections are added:

“(a) The Private Airport Registration and Site Approval website (<http://www.florida-aviation-database.com/>) uses a series of interactive screens to provide information and receive input from private airport owners. To begin the process, general airport site approval information is provided in narrative outline form as an overview of the process, listing requirements included in paragraphs 14-60.005(5)(a)-(m), F.A.C.

(b) In keeping with the legislative requirement for controlled electronic access to the state aviation database, the Department’s site uses a “User ID” and “Password” system. New users will be required to “Create an Account” online by providing essential information: name, address, telephone number, and e-mail address. The website will respond providing an initial “User ID” and “Password” for the user to complete the site approval process.

(c) The airport site approval screen asks the user to input data related to type of facility (airport, heliport, or ultralight); proponent information (name, address, phone number, fax number, and e-mail address); facility data (facility name, physical location, geographical location-latitude, longitude, and elevation, and primary type of facility use); and landing area data (runway/heliport magnetic bearing, length, width, and type of surface – paved/unpaved).

(d) The user certifies the accuracy of the information and data entered on the screen and submits the information to the Department.

(e) Approval or denial of the airport site approval application is issued by the Department via e-mail to the applicant’s e-mail address, along with an airport site approval order, if granted.”

10. Paragraph 14-60.005(7)(a), F.A.C.: The section is changed to delete information that already covered in Section 120.60(1), Florida Statutes. The section is changed to read as follows:

“(a) Department Process for Public Airports. The Department shall conduct a review and detailed audit, as necessary, of the submitted airport site approval application and all required supporting documentation for accuracy and completeness. The Department shall notify the applicant of any incomplete application within 30 days of its receipt. The applicant shall have 90 days from the date of the Department notice to provide a complete application. Failure of the applicant to provide a complete application by the conclusion of this period shall result in the Department returning the application to the applicant without action. Site approval shall be granted for public airports only after the Department determines the conditions of subsection 14-60.005(4), F.A.C.,

above, are satisfied and only after favorable completion of a physical inspection of the proposed public airport site by Department authorized personnel.”

11. Paragraph 14-60.005(8)(a), F.A.C.: This section is revised to remove the “for good cause” reference. The section is changed to read as follows:

“(a) Issuance. The Department approval of a proposed public or private airport site shall be documented by issuance of an airport site approval order, which shall remain valid for a period of two years from its effective date and which can be extended for subsequent periods of two years for good cause, provided conditions for site approval that led to the initial approval of the site have not changed to a degree that would cause the Department to now deny a site approval. Special conditions imposed on the site approval order must be satisfied prior to airport licensing or registration.”

12. Paragraph 14-60.006(1)(a), F.A.C.: This section is revised to list conditions so that the section reads as follows:

“(a) Public Airport. Public airports shall be licensed after the site approval is granted by the Department, including completion of the public announcement and physical airport inspection process, if the Department finds the facility to be in compliance with all requirements for the license. The license shall be subject to any conditions that are necessary to protect the public health, safety, or welfare. Such conditions shall include the requirement to remove natural growth obstructions, relocate aircraft parking sites beyond runway protective boundaries, or provide aircraft warning lights on structures in close proximity to the runway or potential ground hazards.”

13. Paragraph 14-60.006(1)(b), F.A.C.: The section is changed to add a specific website reference as follows:

(b) Private Airport. Private airports shall be registered on the Private Airport Registration and Site Approval Website (<http://www.florida-aviation-database.com>), after the site approval is granted by the Department, including completion of the public announcement process, if the facility is in compliance with all requirements for registration, including self-certification by the registrant of operational and configuration data necessary to ensure compliance with Chapter 330, Florida Statutes, and this rule chapter.

14. Paragraph 14-60.006(1)(b), F.A.C.: This section is further changed to add the following subsections relating to internet application:

“1. Private airport owners who have previously received airport site approval through that process will subsequently use their “User ID” and “Password” to access the private airport registration screen available online.

2. The private airport registration screen includes information regarding the private airport: facility name, type of facility, dates related to the site approval process, dates related to the registration process (including expiration date); contact name, address, phone and fax numbers, and e-mail address; facility and runway data.

3. The user certifies the accuracy of the information and data entered on the screen and submits the information to the Department.

4. Private airport owners are encouraged to provide updates of airport and contact information at anytime it occurs to ensure the Department has accurate and current information. Any update automatically renews the airport's registration for a two-year period from the date of update and that information will be reflected on the website, including a new expiration date.

5. Information regarding the facility's location with respect to county, latitude, longitude, and field elevation can only be updated directly by the Department in order to ensure compatibility of critical data with the FAA's airport database. Private airport owners should contact the Department to make any changes in this facility data."

15. Rule 14-60.007, F.A.C.: The C.F.R. reference is spelled out in detail as follows:

"Airports fulfilling the requirements of Title 14, C.F.R., Aeronautics and Space, Chapter 1, the FAA Federal Aviation Regulations, Federal Aviation Administration, Department of Transportation, Part 139, Certification and Operations: Land Airports Serving Certain Air Carriers, dated January 1, 2004, incorporated herein by reference, airport certification program shall be considered to meet the minimum standards for licensed airports shown enumerated below."

16. Paragraph 14-60.007(6)(a), F.A.C.: This section is changed to spell out the specific title, number, and effective date of the incorporated document as follows:

"1. The standard measurement of PCI results in seven ratings from "Excellent" to "Failed," as shown in Table 5, below. Industry standards to objectively and consistently characterize and evaluate runway pavements are available from the American Society of Testing Material as ASTM Standard D 5340-03 "Standard Test Method for Airport Pavement Condition Index Surveys," dated 2003, based on FAA guidance, incorporated herein by reference. A runway PCI value of 10 or below indicates that the pavement has deteriorated significantly and the runway pavement shall be considered by the Department to not meet acceptable licensed airport standards."

17. Paragraph 14-60.009(1)(e), F.A.C.: This section is deleted in its entirety. Subsequent paragraph (1)(f) is renumbered as paragraph (1)(e).

18. Paragraph 14-60.009(3)(b), F.A.C.: This section is changed to read as follows:

"(b) The applicant local government shall provide to the Department a copy of the local government ~~its~~ decision on the application for variance within ten days of issuance of the decision."

19. Subsection 14-60.009(4), F.A.C.: This section is changed to specify the federal guidelines and standards. The section is changed to read:

"(4) Obstruction Marking and Lighting. Obstruction marking or lighting recommended in an FAA aeronautical determination shall be considered a requirement for the structure for compliance with Department standards. As minimum standards, the Department herein incorporates by reference obstruction marking and lighting standards and guidelines described in the U.S. Department of Transportation, Federal Aviation Administration Advisory Circular 70/7460-1K (AC 70/7460-1K) "Obstruction Marking and Lighting," dated August 1, 2000. These standards shall be applied as follows:"

18. Rule 14-60.011, F.A.C.: The title of Form 725-040-12 is corrected to be consistent with the actual title of the form, which is correctly listed in paragraph 14-60.005(3)(a), F.A.C. The title of the form is corrected as follows: "Public Airport Site Approval Application and License Application."

20. Form Revisions: In both Form 725-040-11, Airspace Obstruction Permit Application, and Form 725-040-12, Public Airport Site Approval Application, the following statement is deleted: "Failure to Provide All Requested Information May Delay Processing of Your Application."

21. Paragraph 14-60.007(6)(a), F.A.C.: The section and Table 4 are deleted. Because of deleting paragraph (6)(a), what was proposed as paragraph (6)(b) is renumbered accordingly. Also, because of the deletion of Table 4, the previously proposed Table 5 becomes Table 4. The net result is as follows:

(6) Runway Pavement Standards for Licensed Airports. ~~(b)~~ Pavement Condition Index. The "Pavement Condition Index" ("PCI") value is an indicator of the integrity and viability of a runway surface with a focus on pavement cracking, swelling, rutting, and depressions. For runway pavement, the value indicates the capability of the runway surface, in contact with aircraft tires, to provide a suitable environment for maintaining aircraft directional control, which may be adversely affected by runway undulations, or for preventing foreign object damage. Foreign object damage can result from pavement spalling, which may dislodge small or large pieces of pavement that could severely damage aircraft control surfaces or propellers, penetrate aircraft wing or fuselage surfaces protecting flammable fuel tanks or other critical components, or be ingested into turbo-jet or turboprop-jet engine intakes with potential catastrophic loss of power during critical phases of flight.

~~(a)~~ The standard measurement of PCI results in seven ratings from "Excellent" to "Failed," as shown in Table ~~4~~ 5, below. Industry standards to objectively and consistently characterize and evaluate runway pavements are available from the American Society of Testing Material, based on FAA guidance, incorporated herein by reference. A runway PCI value of 10 or below indicates that the pavement has deteriorated significantly and the runway pavement shall be considered by the Department to not meet acceptable licensed airport standards.

(b)2- Temporary remedies may include displacement of the threshold, shortening the length of the runway to no less than the minimum effective length as shown in subsection 14-60.007(1), F.A.C., or closing the runway until permanent corrective action can be completed.

(c)3- Depending on the number of runways available and the extent of pavement condition index deficiencies, failure to implement temporary or permanent remedies will result in the Department revoking the airport license on the ground that the airport has become unusable due to unsafe conditions per subparagraph 14-60.006(6)(e), F.A.C..

Qualitative Rating	PCI Value	
	Minimum	Maximum
Excellent	86	100
Very Good	71	85
Good	56	70
Fair	41	55
Poor	26	40
Very Poor	11	25
Failed	0	10

22. Corrections to typographical errors:

a. Subsection 14-60.007(1), F.A.C.: Change subsection numbering from (a), (b), (c), (b), (b) to (a), (b), (c), (d), (e).

b. Sub-subparagraph 14-60.007(2)(c)1.c., F.A.C.: Change as follows:

“c. For a runway that is paved, that is to be used by an aircraft that weighs less than or equal to 12,500 pounds, and that has a non-precision instrument approach: the approach surface ratio is 20:1, the length is 10,000 feet, the inner width is 500 feet, and the outer width of the approach surface ~~width~~ is 2,000 feet.”

c. Sub-subparagraph 14-60.007(2)(d)2.c., F.A.C.: Change as follows:

“c. For a heliport with a precision instrument approach: the transition ration is 7:1, which extends horizontally for a distance of ~~350~~ 35 feet.”

d. Paragraph 14-60.007(5)(a), F.A.C.: Delete the redundant “and” as follows:

“(a) Runway (Not Paved). For a runway that is not paved, the runway safety area shall have a length equal to the length of the runway, terminating at the end of the runway, ~~and~~ the runway safety area shall have a width of 120 feet.”

e. Paragraph 14-60.007(5)(d), F.A.C.: Change to read as follows:

“(d) Heliport. A heliport shall have a runway safety area whose length extends 20 feet beyond the FATO and a width ~~extends of~~ 20 feet beyond the FATO.”

f. Rule 14-60.007, F.A.C., Table 3: The Heliport Safety Area Width is changed as follows:

Heliport	20 feet	20 feet
	Beyond FATO	<u>Beyond FATO</u>

g. Paragraph 14-60.007(7)(c), F.A.C.: Delete the last sentence as follows:

“(c) Airport operators shall be required to establish and enforce effective control of unauthorized vehicles and pedestrian access within the aircraft movement areas. ~~Any aircraft tie-downs or moorings used to secure aircraft shall be located outside of the landing area, primary surface, and transition surface areas.~~”

h. Paragraph 14-60.007(7)(e), F.A.C.: Change “locked” to “located” as follows:

“(e) At least two category 80-B-C, or higher, type fire extinguishers shall be available at the airport, readily accessible, operationally functional, bear an unbroken seal, and be located ~~locked~~ in an area clearly identified to the public.”

h. Subsection 14-60.007(10), F.A.C.: Change “that” to “than” as follows:

“(10) Airport Lighting. The Department does not require airports to be lighted. However, if an airport is lighted, it shall comply with the following standards. The minimum lights that shall be provided are threshold and runway end lights, displaced threshold lights, segmented circle lights, FATO or TLOF lights, and windsock lights. All lights shall be on flush or frangible mounts not more ~~than that~~ than 14 inches tall. The following airport lighting requirements shall apply to licensed airports:”

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-50.001	Purpose and Intent
67-50.005	Definitions
67-50.010	Fees
67-50.020	Notice of Funding Availability (NOFA)
67-50.030	General Program Eligible Activities
67-50.040	General Program Restrictions
67-50.050	HAP Restrictions
67-50.060	HOME Restrictions
67-50.070	Application and Selection Procedures
67-50.080	Credit Underwriting Procedures
67-50.090	Disbursement of Funds, Draw Requests, and Loan Servicing

NOTICE OF CHANGE

Notice is hereby given that in response to oral and written comments and non-published technical corrections/clarifications the following changes have been made to Rule 67-50, Florida Administrative Code, as published in Vol. 30, No. 24 of the Florida Administrative Weekly, on June 11, 2004.

PURPOSE, EFFECT AND SUMMARY: The purpose of these rule amendments is to refine the procedures by which the Corporation shall administer the Homeownership Loan Program.

67-50.001 Purpose and Intent.

(2) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing and provide purchase assistance to Eligible Homebuyers under the HOME Investment Partnerships (HOME) Homeownership Program as authorized by Section Chapter 420.5089, F.S. and HUD regulations, 24 CFR § 92, which is adopted and incorporated into this rule chapter by reference.

Specific Authority 420.507(12),(14) F.S. Law Implemented 420.507(23), 420.5088, 420.5089(2) F.S. History—New 9-5-02, Amended _____.

67-50.005 Definitions.

(1) “Act” means the Florida Housing Finance Corporation Act, Chapter 420, Part V, F.S. as amended.

(2) “Address” means the address assigned by the U.S. United States Postal Service and must include address number, street name, city, state and zip code. If the address has not yet been assigned, include, at a minimum, street name and closest designated intersection and the city, state and zip code.

(4) “Affiliate” means any person or entity that:

(a) Directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant;

(b) Serves as an officer or director, agent, employee, or any business entity or person associated with the Applicant in the furtherance of a business venture for which the Applicant is applying for one of the Corporation’s pPrograms; or

(c) Is the spouse, parent, child, sibling, or relative by marriage of a person described in paragraph (a) or (b) above.

~~(5)(40)~~ “AMI” or “Area Median Income” means the median income for an area, with adjustments made for household size, as determined by the U.S. United States Department of Housing and Urban Development (HUD).

~~(6)(5)~~ “Applicant” means any person or legally formed entity that is seeking a loan or funding from the Corporation Florida Housing by submitting an Application for one of the Corporation’s Florida Housing’s pPrograms.

~~(7)(6)~~ “Application” means the forms and exhibits created by the Corporation Florida Housing for the purpose of providing the means to apply for one or more of the Corporation’s Florida Housing programs. A completed Application may include additional supporting documentation provided by an Applicant.

~~(8)(7)~~ No change.

~~(9)(8)~~ “Application Package” means the forms and instructions obtained from the Corporation, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 and available on the Corporation’s Website at www.floridahousing.org, which shall be completed and submitted to the Corporation in order to apply for a specific Corporation Florida Housing pProgram(s).

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

(12) “Board” means the Board of Directors of the Florida Housing Finance Corporation.

~~(14)(43)~~ “CBO” or “Community Based Organization” means a Community Based Organization as defined by Section 420.503 or 420.524, F.S.

~~(15)(46)~~ “CHDO” or “Community Housing Development Organization” or means Community Housing Development Organization as defined in Section 420.503, F.S.

~~(16)(44)~~ “Code” means the Internal Revenue Code of 1986, as in effect on the date of this rule chapter, together with corresponding and applicable final, temporary or proposed regulations, and revenue rulings issued or amended with respect thereto the Treasury Department or the Internal Revenue Service of the United States, and is adopted and incorporated herein by reference.

(17) “Consolidated Plan” means the plan prepared in accordance with HUD Regulations, 24 CFR § 91, which is adopted and incorporated herein by reference, and which describes needs, resources, priorities and proposed activities to be undertaken with respect to certain HUD programs, including the HOME Program.

(18) “Construction Loan” means a loan made available to a Developer, which utilizes either HAP or HOME Construction funds for construction purposes.

(19) "Contact Person" means the person with whom ~~the Corporation Florida Housing~~ will correspond concerning the Application and the Development. This person cannot be a third party consultant.

~~(21)(19)~~ "Corporation" ~~or "FHFC" or "Florida Housing"~~ means the Florida Housing Finance Corporation as defined in Section 420.503, F.S.

~~(25)(26)~~ "DCA" ~~or "Department" or "DCA"~~ means the Department of Community Affairs as defined in Section 420.503, F.S.

~~(26)(31)~~ "DDA" ~~or "Difficult to Develop Areas" or "DDA"~~ means any area designated by the Secretary of Housing and Urban Development as having high construction, land, and utility costs relative to area median gross income in accordance with Section 42(d)(5) of the Code.

(27) through (29) renumbered (28) through (30) No change.

~~(31)(23)~~ "Development Cost" means the total of all costs incurred in the completion of a Development excluding Developer Fee, acquisition cost of existing developments, and total land cost as shown in the ~~Development Cost~~ line item on the development cost pro forma within the Application.

(34) "Elderly" means elderly as defined in Section 420.503~~(15)~~, F.S. ~~(67-32)~~.

(40) "FHA" means the Federal Housing Administration of the ~~U.S. United States~~ Department of Housing and Urban Development or other Agency or instrumentality created or chartered by the United States government to which the powers of the Federal Housing Administration have been transferred.

(43) "Farmworker" means Farmworker as defined in Section 420.503~~(18)~~, F.S.

~~(47)~~ "Florida Housing" ~~or "FHFC" or "Corporation"~~ means the Florida Housing Finance Corporation as created by the Act.

(48) through (49) renumbered (47) through (48) No change.

~~(49)(50)~~ "General Contractor" ~~or "Contractor"~~ means a person or entity duly licensed by the State of Florida who provides services in accordance with Chapter 489, F.S.

~~(50)(51)~~ "HAP" or "Florida Home Ownership Assistance Program" means the Florida Home Ownership Assistance Program created under Section 420.5088, F.S.

(52) through (53) renumbered (51) through (52) No change.

~~(53)(54)~~ "HOME" or "HOME Program" means the HOME Investment Partnerships Program administered by the Corporation pursuant to HUD Regulation 24 CFR § 92, ~~which is adopted and incorporated herein by reference, and Section 420.5089, F.S.~~

(55) through (56) renumbered (54) through (55) No change.

~~(56)(39)~~ "HUD" means the ~~U.S. United States~~ Department of Housing and Urban Development.

~~(57)(58)~~ "HUD Regulations" means the regulations of HUD in 24 CFR § 92 ~~together with subsequent amendments thereto, as in effect on the date of this rule chapter.~~

~~(58)(60)~~ "Loan Closing Date" means the actual closing date of the loan for developments using HLP funding for construction or the date the firm commitment ~~is~~ was issued for developments using funding for purchase assistance for homebuyers.

~~(59)(42)~~ "Local Government" means a unit of local general-purpose government as defined in ~~Section Chapter~~ 218.31(2), F.S.

~~(60)(62)~~ No change.

~~(61)(59)~~ "LURA" or "Land Use Restriction Agreement" or means the agreement between the Corporation and the Applicant which sets forth the Set-Aside requirements and other Development requirements, ~~if any,~~ under a Corporation ~~Florida Housing~~ Program.

~~(62)(63)~~ "Match" means non-federal contributions to a HOME Development that are eligible pursuant to the HUD Regulations.

~~(63)(64)~~ "Maximum Purchase Price" means:

(a) With respect to ~~the HAP Program~~, the maximum purchase price of a house in an area as determined by the Single Family Mortgage Revenue Bond Program (SF-MRB); ~~as in effect~~ at the time of the beginning of the construction of the house; and

(b) With respect to ~~the HOME Program~~, the maximum purchase price of a house in an area as determined by HUD; ~~as in effect~~ at the beginning of the construction of the house.

(65) through (69) renumbered (64) through (68) No change.

~~(69)(70)~~ "Non-Profit Sponsor" means, with respect to the HAP Program, a unit of local government or public housing authority, established pursuant to Chapter 421, F.S., or a Community Based Organization, as defined in subsection ~~subsection Chapter~~ 67-50.005(15), F.A.C., which has agreed to sponsor an Eligible Development utilizing either a Non-Profit or for-profit Developer.

(71) through (75) renumbered (70) through (74) No change.

~~(75)(76)~~ "Project," or "Property" means Project as defined under Section 420.507, F.S.

~~(76)(51)~~ "Purchase Assistance Loan" or "Permanent Loan" means a zero percent (0%) interest rate, non-amortizing second mortgage loan made to an Eligible Homebuyer, who has an Adjusted Income that does not exceed eighty percent (80%) AMI.

~~(77)(79)~~ "OCT" or "Qualified Census Tract" means any census tract that is designated by the Secretary of HUD as having either 50% or more of the households at an income that

is less than sixty percent (60%) AMI or a poverty rate of at least twenty five percent (25%), in accordance with Section 42(d)(5)(C) of the Code.

~~(79)(80)~~ “RD” or “Rural Development” means Rural Development Services (formerly the Farmer’s Home Administration) of the U.S. United States Department of Agriculture.

(81) through (82) renumbered (80) through (81) No change.

~~(82)(58)~~ “Rural Area” means an area that is eligible to receive assistance from the U.S. United States Department of Agriculture – Rural Development.

(87) through (89) renumbered (83) through (86) No change.

~~(87)(90)~~ “Set-Aside” means the occupancy requirements or restrictions for Developments financed by the Corporation Florida Housing.

~~(88)(62)~~ “SFMRB” or “Single Family Bond Program” means the Corporation’s Single-Family Mortgage Revenue Bond Program, pursuant to Rule Chapter 67-25, F.A.C.

~~(89)(85)~~ No change.

~~(90)(91)~~ “Sponsor” means Sponsor as defined in Section 420.503, F.S.

(92) through (94) renumbered (91) through (93) No change.

~~(94)(66)~~ “Treasury” means the U.S. United States Department of Treasury or other agency or instrumentality created or chartered by the United States to which the powers of the Department of Treasury have been transferred.

(96) through (99) renumbered (95) through (98) No change.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History–New 9-5-02, Amended 5-4-03, _____.

67-50.010 Fees.

(2) With respect to HAP, the Applicant is responsible for ~~all or a portion of~~ the following fees, which are part of the Total Development Cost and must be included in the ~~d~~Development ~~c~~Cost ~~p~~Pro ~~f~~Forma:

- (a) Credit Underwriting fee;
- (b) Loan Servicing fees; and
- (c) Construction inspection fees.

(4) Penalty Fees: Applicants will be charged a penalty fee of \$100 for each extension request, payable at the time of the request, for the following:

- (a) Deadline to submit information to the Credit Underwriter;
- (b) Loan Closing Date;
- (c) Commencement of construction;
- (d) Construction completion; and
- (e) Commitment expiration.

Specific Authority 420.507(4),(12),(23) FS. Law Implemented 420.507(19), 420.5088, 420.5089 FS. History–New 9-5-02, Amended 5-4-03, _____.

67-50.020 Notice of Funding Availability (NOFA)

The Corporation shall post the NOFA, which advises the availability of HLP funding, on the Corporation’s ~~W~~website at ~~www.floridahousing.org~~ and publish in the Florida Administrative Weekly (FAW).

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088, 420.5089 FS. History–New 9-5-02, Amended _____.

67-50.030 General Program Eligible Activities.

(2) Funds may be used for the following eligible costs:

(a) ~~Development H~~hard costs as they directly relate to the identified assisted units to meet local and State building codes and the Model Energy Code.

(b) Soft costs as they relate to the identified assisted units must be reasonable and necessary, as determined by the Corporation and Credit Underwriter, and associated with the financing, development, or both, including:

1. Architectural, engineering or related professional services required to prepare plans, drawings, specifications or work write-ups;

2. Costs to process and close the financing for a Development, such as credit reports, fees for evidence of title, recordation, building permits, attorney fees, cost certifications, and estimates;

3. Developer fees, including administrative overhead, are limited to sixteen percent (16%) of the Total Development Cost and Contractor fees are limited to 14% of the actual construction cost;

4. Impact fees;

5. Costs of Development audits required by the Corporation or compliance monitoring agent;

6. Affirmative marketing and fair housing costs; and

7. Temporary relocation costs, as required for the HOME program.

(5) The Corporation shall make HAP and HOME HLP funding available to participating lenders in the SFMRB Program for eligible homebuyers, in accordance with the SFMRB documents and Rule Chapter 67-25, F.A.C. If HAP or HOME HLP funding is used in conjunction with the SFMRB Program, the homebuyer may not utilize more than one down payment assistance program sponsored by the Corporation.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088, 420.5089 FS. History–New 9-5-02, Amended 5-4-03, _____.

67-50.040 General Program Restrictions.

(6) The accumulation of all Development financing, including the HLP Loan and all existing debt within a Development, may not exceed the Total Development Cost, as determined by the Credit Underwriter. The accumulated sales generated revenue of all single-family homes must equal the Total Development Cost ~~as proposed by the Applicant in the~~

~~Application~~. Any changes to the Total Development Costs shall ~~during the underwriting process may~~ result in the adjustment of home sales prices to reflect these changes.

(9) Prior to disbursing any funds, there must be a written agreement with the Applicant ensuring compliance with the requirements of the HLP Program, pursuant to this rule chapter, Florida Statutes, and HUD Regulations, ~~as applicable~~.

(11) The Corporation or its Servicer shall monitor the compliance with all terms and conditions of the HLP ~~H~~-loan and any violation of any term or condition shall constitute a default of the ~~H~~-loan.

(12) The construction period shall be for a period of not more than three (3) years beginning on the Loan Closing Date, unless ~~otherwise~~ approved by the Board for a specified period of time. Applicants applying for an extension must:

(a) Requests the extension in writing at least sixty (60) days prior to the end of the construction period;

(b) States a specific length of time needed to complete the Development and the reason the extension is needed;

(c) Provides a comprehensive work completion plan and construction schedule;

(d) Supply an alternate financing plan in the event the original financing source withdraws; and

(e) Provides assurance that the extension will result in the successful completion of the Development.

(f) Applicants will be charged a penalty fee of \$100 for each extension request, payable at the time of the request.

(15) If the Board determines that any Applicant or any Affiliate of an Applicant has:

(a) Engaged in fraudulent actions;

(b) Materially misrepresented information to the Corporation regarding any of its Developments; within the current Application or in any previous applications for financing or an allocation of Housing Credits administered by the Corporation;

(c) Been convicted of fraud, theft or misappropriation of funds;

(d) Been excluded from federal or Florida procurement programs; or

(e) Been convicted of a felony, and upon determination by the Board that such action substantially increases the likelihood that the Applicant will not be able to produce quality affordable housing, the Applicant or any Principal, or Affiliate of an Applicant or Developer will be ineligible for funding or allocation in any program administered by the Corporation for a period of two (2) years, which will begin from the date the Board makes such determination, pursuant to Section 420.507(14) and (34), F.S. Such determination shall be made either pursuant to a proceeding conducted pursuant to Section 120.569 and 120.57, F.S. Florida Statutes, or as a result of a finding by a court of competent jurisdiction.

(13) The Applicant shall not refinance, increase the principal amount, or alter any terms or conditions of any construction loan superior or inferior to the HLP ~~H~~-loan without prior approval of the Board.

(14) The unpaid principal balance of the ~~H~~-loan shall be due and payable upon the sale or transfer of the secured property.

(18) If the HLP commitment is cancelled by the Corporation for failure to adhere to rule deadlines or for reasons within the Applicant's control, the Developer will be responsible for reimbursing the Corporation for fees incurred for credit underwriting and environmental review processing.

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

~~(24)(23)~~ Applicants will be required to submit progress reports, as directed by the Corporation Florida Housing. Failure to provide the information and documentation requested ~~shall may~~ result in the withdrawal of any remaining funds.

~~(25)(24)~~ Failure to comply with any part of this rule chapter without a waiver or variance being granted by the Board, pursuant to Chapter 120.542, F.S., and rule chapter 28-104, F.A.C., shall result in the disqualification of the Applicant and withdrawal of any commitment for ~~H~~-loan funds.

~~(26)(25)~~ Scattered Sites Developments. Applicants will have 60 days from the date of the invitation to enter in credit underwriting in which to submit site control information to the underwriter for analysis. Failure to submit the required documentation for all sites identified in the Application will result in the underwriter adjusting the funding request proportionate to the number of units for which site control was secured. If the site control information submitted to the underwriter is less than 50% of the total units committed to in the initial Application, the Corporation Florida Housing will require the Applicant to withdraw and relinquish the allocation.

Specific Authority 420.507~~(4)~~(12) FS. Law Implemented 420.5089(2) FS. History—New 9-5-02, Amended 5-4-03, _____.

67-50.050 HAP Restrictions.

(1) HAP Construction Loans shall be made available for the construction of affordable housing Developments, as defined in subsection 67-50.005~~(30)(29)~~, F.A.C. Funding shall also be made available for land acquisition, predevelopment expenses and infrastructure; however, in no event shall the funds be used solely for these purposes.

(5) The Land Use Restriction Agreement (LURA) shall contain restrictive covenants to ensure that the Development maintains the minimum set-aside requirements for HAP, pursuant to Section Chapter 420.5088, F.S., as well as the specific amenities and set-asides the Applicant committed to in the Application.

(6) HAP Purchase Assistance Loan. The terms of the HAP Purchase Assistance Loan made to an Eligible Homebuyer are as follows:

(a) A HAP Purchase Assistance Loan shall be made available to an Eligible Homebuyer who purchases a home built by a Developer participating in the HLP Program, under HAP.

(b) The Eligible Homebuyer must have an Adjusted Income that does not exceed eighty percent (80%) AMI at the time of the loan closing.

(c) A HAP Purchase Assistance Loan is limited to twenty five percent (25%) of the purchase price of the house and may not exceed the initial amount of per home assistance as stated in the Application.

(d) Repayment of the HAP Purchase Assistance Loan is due upon the first to occur of the maturity of the first mortgage loan or upon the sale, transfer, refinancing, or rental of the secured property.

~~(e) When the HAP Purchase Assistance Loan is used in conjunction with another Corporation subordinate mortgage program, the Eligible Homebuyer's Adjusted Income may not exceed fifty percent (50%) AMI and the aggregate amount of the Corporation's loans may not exceed thirty-five percent (35%).~~

~~(e)(f)~~ The combined loan-to-value ratio cannot exceed one hundred five percent (105%) of the appraised value of the home. In the 105% loan-to-value calculation, the Corporation will not include any subsidy that contains forgivable terms within a five (5) year period.

~~(f)(e)~~ The HAP Purchase Assistance Loan shall be underwritten by the first mortgage lender and reviewed by the Corporation's designated Servicer.

~~(g)(h)~~ The purchase price of the house cannot exceed the appraised value or the maximum purchase price, as determined by the SF-MRB Program, ~~as in effect~~ at the time of the beginning of the construction of the house.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New 9-5-02, Amended 5-4-03, _____.

67-50.060 HOME Restrictions.

(3) The annual interest rate for the construction loan will be determined as follows:

(a) All for-profit Applicants that have one hundred percent (100%) ownership interest in the Development held by the general partner entity will receive a three percent (3%) per annum interest rate loan.

(b) All qualified ~~Non-Profit~~ Applicants that have one hundred percent (100%) ownership interest in the Development held by the general partner entity will receive a zero percent (0%) interest rate loan.

(c) All Applicants consisting of a ~~Non-Profit~~ and for-profit partnership will receive a zero percent (0%) interest rate on the portion of the loan equal to the qualified

~~Non-Profit's~~ ownership interest in the Development. A three percent (3%) interest rate shall be charged on the portion of the loan equal to the for-profit's ownership interest in the Development. Should the Applicant sell, transfer, or convey any portion of the ownership in the Development, the loan interest rate ratio will be adjusted to conform with the new percentage of for-profit to ~~Non-Profit~~ ownership.

(7) Funds shall not be used to pay for ineligible costs in accordance with 24 CFR § 92.214 (a) and the following ineligible costs:

(a) Development reserve accounts for replacement, anticipated increases in operating costs, or operating subsidies, except as described in this rule chapter;

(b) Administrative costs; and

(c) Developer ~~Fees~~ on the acquisition portion of the Development ~~Cost~~.

(8) All contracts for the construction of a Development with 12 or more HOME-Assisted Units must contain a provision requiring that the wages paid to all laborers and mechanics employed for the construction of the Development will not be less than the wages prevailing in the locality, as predetermined by the U.S. Secretary of Labor pursuant to the Davis-Bacon Act, 40 U.S.C. § 276a-265-a-5 (1994), 24 CFR § 92.354, 24 CFR § 70 (volunteers) and 40 U.S.C. 276c, which are adopted and incorporated herein by reference. Such contracts shall also be subject to the overtime provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 327-333 (1994), and the Copeland Act (Anti-Kickback Act) 40 U.S.C. § 276c (1994) and the Fair Labor Standards Act of 1938, ~~as amended~~ (29 U.S.C. 201 et seq.), which are adopted and incorporated herein by reference.

(12) All HOME Developments must conform to the following federal requirements:

(a) Equal Opportunity and Fair Housing as enumerated in 24 CFR § 92.202 and 92.250, 42 U.S.C. 2000d et seq., 42 U.S.C. 3601-3620, 42 U.S.C. 6101, and 24 CFR § 5.105(a), which are adopted and incorporated herein by reference.

(b) Affirmative Marketing as enumerated in 24 CFR § 92.351, which is adopted and incorporated herein by reference.

(c) Environmental Review as enumerated in 24 CFR § 92.352, 24 CFR § 58 and National Environmental Policy Act of 1969, which are adopted and incorporated herein by reference. The Corporation requires HUD Environmental Review clearance prior to commencing any physical construction activities regardless of the use of HOME funding.

(d) Displacement, Relocation, and Acquisition as enumerated in 24 CFR § 92.353, 42 U.S.C. 4201-4655, 49 CFR § 24, 24 CFR § 42 (Subpart B), and Chapter 104(d) "Barney Frank Amendments", which are adopted and incorporated herein by reference.

(e) Labor Standards as enumerated in 24 CFR § 92.354, 40 U.S.C. 276a-276a-5, 24 CFR § 70 (volunteers), and 40 U.S.C. 276c, which are adopted and incorporated herein by reference.

(f) Lead-based Paint as enumerated in 24 CFR § 92.355, 42 U.S.C. 4821 et seq., 24 CFR § 35 and 24 CFR § 982.401(j) (except paragraph 982.401(j)(1)(i)), which are adopted and incorporated herein by reference.

(g) Conflict of Interest as enumerated in 24 CFR § 92.356, 24 CFR § 85.36 and 24 CFR § 84.42, which are adopted and incorporated herein by reference.

(h) Debarment and Suspension as enumerated in 24 CFR § 5, which is adopted and incorporated herein by reference.

(i) Flood Insurance as enumerated in Section 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106), which is adopted and incorporated herein by reference.

(j) Handicapped Accessibility as enumerated in 24 CFR § 8 and 24 CFR § 100.205, which are adopted and incorporated herein by reference.

(k) Equal Opportunity Employment as enumerated in 41 CFR § 60, which is adopted and incorporated herein by reference.

(l) Economic Opportunity as enumerated in 24 CFR § 13.5, which is adopted and incorporated herein by reference.

(m) Minority/Women Employment as enumerated in 24 CFR § 85.36(e), which is adopted and incorporated herein by reference.

(13) Applicants and lenders are responsible for providing the Corporation or the Servicer with completed documentation of the homebuyer and homeownership requirements established by the Corporation and 24 CFR § 92.254 and the record keeping requirements described in 24 CFR § 92.508.

~~(14) A certification by the Corporation of the HUD Environmental Review is required, pursuant to 24 CFR 92.352.~~

~~(14)(15) A HOME-Assisted Unit shall qualify as affordable housing if:~~

(a) The value or initial purchase price of the property after construction does not exceed 95% of the median purchase price for the area, pursuant to 24 CFR § 92.254;

(a) The combined loan-to-value ratio cannot exceed one hundred five percent (105%) of the after construction or appraised value of the HOME-Assisted Unit, ~~except when HOME funds are used with the SF MRB Program, where the combined loan to value of all assistance cannot exceed one hundred three (103%) of the lesser of the appraised value or the purchase price or as permitted in the applicable SF MRB issue documents.~~ In the loan-to-value calculation, the Corporation will not include any subsidy that contains forgivable terms within a five (5) year period; ~~and~~

(c) The person or household qualifies as an Eligible Homebuyer at the time of purchase and who will occupy the home acquired property as their principal residence throughout the affordability period, pursuant to 24 CFR § 92.254(4);

(d) The purchase price of the property after construction must not exceed the appraised value of the property; ~~and-~~

(e) When HOME funds are used with other Corporation programs, the more stringent credit underwriting criteria will apply as it relates to eligibility requirements.

(17) The Eligible Homebuyer shall adhere to the following terms and conditions:

(a) The HOME Purchase Assistance Loan shall have a zero percent (0%) interest rate and be non-amortizing with principal deferment until maturity.

(b) Repayment of Principal on the HOME Purchase Assistance ~~Second Mortgage~~ Loan shall be deferred until the homebuyer sells, transfers or disposes of the home either voluntarily or involuntarily, or ceases to occupy the home as a principal residence during the affordability period, pursuant to 24 CFR § 92.254(4).

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New 9-5-02, Amended 5-4-03, _____.

67-50.070 Application and Selection Procedures.

(1) All Applicants must submit a completed current HLP Application Package (~~HOMEOWN-0530 (Rev. 5/04)~~), which is adopted and incorporated herein by reference, and which can be obtained from the Corporation, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 and is available on the Corporation's Website at www.floridahousing.org. All Applications must:

(a) Be submitted complete, legible and consistent throughout;

(b) Be received by the Application Deadline, as specified in the NOFA; and

(c) Include an original Application, with an original signature on the Applicant Certification and Acknowledgement Form (Exhibit 1), and three identical copies. Lack of an Original Application shall be grounds for automatic rejection.

Corporation staff may not assist any Applicant by copying, collating or adding documents to an Application, nor shall any Applicant be permitted to use the Corporation facilities or equipment for purposes of compiling or completing an Application.

(4) Cure Period. Within twenty (20) Calendar Days of the date of the notice set forth in subsection (2) above, each Applicant shall be allowed to submit revised pages and additional documentation, (the "revisions") as the Applicant deems appropriate to address the issues raised in the master scoring sheet and deficiency report that could result in rejection of the Application or a score less than the maximum available. Applicants failing to cure successfully during the initial cure period will be given notice and have the opportunity to submit a cure during a subsequent cure period if

funding remains available. Applicants submitting an additional cure will have ten (10) days from the date of notification. The following instructions will apply to all cure submissions:

- (a) Each new page must be marked "revised."
 - (b) Failure to mark each new page "revised" will result in the Corporation not considering the revisions to that new page.
 - (c) Where revisions create an inconsistency elsewhere in the Application, the Applicant is required to make such other changes to keep the Application consistent.
 - (d) Pages of the Application that are not revised may not be resubmitted, with the exception of documents executed by third parties, which must be submitted in their entirety.
 - (e) The Applicant shall submit an original and three copies of all revisions; submissions via the internet or facsimile shall not be accepted.
 - (f) Only revisions received by the deadline set forth herein will be considered.
 - (g) Any subsequent revisions submitted prior to the deadline must include a written request to withdraw any previous revision.
- (7) At no time during the scoring process ~~shall may~~ Applicants or their representatives contact Board members or Corporation staff, except for Corporation's legal staff, concerning their own Development or any other Applicant's Development. If an Applicant or its representative does contact a Board member or staff in violation of this section, the Board may, upon a determination that such contact was deliberate, disqualify such Applicant's Application.
- (8) Following the receipt and review of the documentation described in subsection (4) above, and upon Board approval, the Corporation shall issue a final score and ranking to each Applicant, disclosing whether or not the Applicant met the threshold and minimum score requirements. In determining such final scores and rankings, no Application shall be rejected or receive a point reduction as a result of any issues not previously identified in the notice described in subsection (4) above. However, inconsistencies created by the Applicant as a result of information provided pursuant to subsection (4) above will be justification for rejection or reduction of points as appropriate. Notwithstanding the foregoing, any deficiencies in the mandatory elements set forth in subsection (9) below can be identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application.
- (9) Notwithstanding any other provisions of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

- (a) Name of Applicant;
- (b) Name of the Developer;
- (c) Funding applied for (HAP or HOME);
- (d) Number of units;
- (e) Site for the Development (except for scattered site developments);
- (f) Type of Development ~~c~~Category;
- (g) County;
- (h) Demographic or ~~Area~~ Commitment or target demographic area;
- ~~(i) Total set aside percentage of the Total Set Aside Commitment;~~
- ~~(j)(k)~~ Designation of Applicant (Non-Profit, for-profit, Local Government, Public Housing Authority, CBO, or CHDO); and
- ~~(l)~~(4) Funding request amount.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History--New 9-5-02, Amended 5-4-03, _____.

67-50.080 Credit Underwriting Procedures.

- (1) Each Applicant ~~shall will~~ undergo credit underwriting to determine the financial stability, capacity and experience of the Applicant and the economic and financial feasibility of the Development.
- (2) Applicants utilizing HLP funding for construction ~~shall undergo will be subject to~~ an in-depth underwriting analysis ~~consisting of including, but not limited to~~ items on the checklist provided by the Credit Underwriter listed in the Application Instructions.
- (3) Applicants utilizing HLP funding for purchase assistance ~~shall undergo will be subject to~~ an analytical review consisting of components on the checklist provided by the Credit Underwriter but not limited to the listed in the Application Instructions for purchase assistance loans.
- (4) The Applicant shall submit all the required information to the Credit Underwriter within sixty (60) days of the date of the notification letter. If an extension is needed, a written request substantiating the need for the extension must be provided to the Corporation prior to the sixty (60) day initial deadline, subject to approval by the Credit Underwriter and the Corporation. Applicants will be charged a penalty fee of \$100 for each extension request, payable at the time of the request. In the event the time limitation expires, the Corporation will request that the Applicant relinquish the preliminary allocation and it will be made available to the next ranked Applicant.
- (5) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, Contractor and other members of the Development team. ~~Upon receipt, The Corporation shall provide the draft underwriting report to the Applicant for review and comment the section from the written draft report which includes the supporting information and schedules. The Applicant shall review and provide written comments to the~~

~~Corporation and Credit Underwriter within 48 hours after receipt. After the 48-hour period, the Corporation shall provide comments on the draft report and, as applicable, on the Applicant's comments to the Credit Underwriter. The Credit Underwriter shall review and incorporate the Corporation's and Applicant's comments and release the revised report to the Corporation and the Applicant. The Corporation and the Credit Underwriter must receive any additional comments from the Applicant within 72 hours of receipt of the revised report. The Credit Underwriter will provide a final report to the Corporation, which will address comments made by the Applicant, as deemed appropriate to the Corporation.~~

(6) The Credit Underwriters shall ~~may~~ request the following additional information if applicable:

~~(a) For credit enhancers, audited financial statements for their most recent fiscal year ended, if published; otherwise the previous year's audited statements will be provided until the current statements are published or credit underwriting is complete. The audited statements may be waived if the credit enhancer is rated at least "A" by Moody's, Standard and Poor's or Fitch.~~

~~(a)(b)~~ For Principals and guarantors, audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1, which is adopted and incorporated herein by reference, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statement compiled or reviewed in accordance with SSARS No. 1 are not available, unaudited financial statements prepared within the last 90 days and reviewed by the Credit Underwriter and the two most recent year's tax returns.

~~(b)(e)~~ For the Applicant and general partner, audited financial statements or financial statements compiled or reviewed in accordance with SSARS No. 1, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If the entities are newly formed (less than 18 months in existence as of the date that the credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

(7) The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant's Application during credit underwriting. If ~~the Board determines~~ at any time that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or the market to be served by the Development or if any discrepancy or misrepresentation is found, the Application will be rejected ~~and the Corporation shall bear the cost of the underwriting review under contract with the Credit Underwriter. However, if the HAP or HOME commitment is cancelled for failure to adhere to rule deadlines or for reasons~~

~~within Applicant's control, the Developer will be responsible for reimbursing the Corporation for fees incurred for credit underwriting and environmental review processing.~~

(8) The Credit Underwriter shall use the following procedures during the underwriting evaluation:

(a) Review and determine if the number of loans and construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful completion development of each proposed Corporation-funded Development.

(b) The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

1. Liquidity of the guarantor.

2. Developer and Contractor's history in successfully completing Developments of similar nature.

3. Problems encountered previously with Developer.

4. Problems encountered previously with Contractor.

(c) Review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

(10) A market study performed by an independent third party, licensed real estate professional, must be received that details the immediate development area and include:

(a) Analysis of area population;

(b) Availability of infrastructure and services (schools, transportation, employers, recreation, and medical facilities);

(c) Current employment market;

(d) Current housing sales trends; and

(e) Community need for the proposed Development.

(13) A pre-construction analysis and review of the Development's costs shall be required prior to the closing of the HLP Construction Loan.

(15) After the approval of the Credit Underwriter's recommendation by the Board or a committee appointed by the Board, and pending resolution of any outstanding issues, the Corporations shall issue a HLP ~~Loan~~ commitment.

(16) Once the Board has approved the final credit underwriting report, the Applicant will have ninety (90) sixty (60) days from the credit underwriting approval date to close the ~~Loan~~. If an extension is needed, a written request substantiating the need for the extension must be provided to the Corporation prior to the ninety (90) sixty (60) day initial deadline, subject to approval by the Board, ~~Credit Underwriter and the Corporation Staff~~. However, the extension cannot exceed a period of sixty (60) days. Applicants will be charged a penalty fee of \$100 for each extension request, payable at the time of the request. In the event the time limitation expires, the Corporation will request that the Applicant relinquish the preliminary allocation and it will be made available to the next ranked Applicant.

(18) ~~At least five (5) Calendar Days~~ Prior to the ~~Loan~~ closing:

(a) The Applicant must provide evidence of all necessary consents or required signatures from first mortgagees or subordinate mortgagees to the Corporation and its counsel, and

(b) The Credit Underwriter must have received all items necessary to release its letter confirming that all closing contingencies have been met, including the finalized sources and uses of the funds and Draw schedule.

(19) All other financing commitments for the Development must close prior to or simultaneous with the HLP Construction ~~within ninety (90) days of the Loan Closing Date.~~

(20) The Applicant will be required to commence construction within ninety (90) days of the Loan Closing Date. If additional time is needed, an extension must be filed in writing prior to the ninety (90) day deadline, substantiating the need for the extension and must include a revised construction schedule ~~an estimated date for commencement of construction~~, subject to approval by the Credit Underwriter and the Corporation. Applicants will be charged a penalty fee of \$100 for each extension request, payable at the time of the request.

Specific Authority 420.507(4),(12),(23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History--New 9-5-02, Amended 5-4-03, _____.

67-50.090 Disbursement of Funds, Draw Requests, and Loan Servicing.

(1) Disbursement of Funds. Construction Loan proceeds shall be disbursed in an amount that does not exceed the ratio of the ~~Loan~~ to the Total Development Cost and is pro-rata with all other construction financing, unless otherwise approved by the Corporation and the Credit Underwriter.

(4) Five percent (5%) of the Construction Loan funds will be held as retainage. Release of funds held as retainage for each house shall occur only after the Applicant provides:

(a) A satisfactory final inspection certificate or certificate of occupancy;

(b) A final, as-built survey;

(c) Evidence of liability and replacement cost hazard insurance acceptable to the Corporation; and

(d) A title insurance policy insuring the Corporation's interest and containing no exceptions that are unacceptable to the Corporation.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(18), 420.5088, 420.5089 FS. History--New 9-5-02, Amended _____.

The following changes were made to the Application Package – HOMEOWN-0530 (Rev. 5/04):

1. Application Instructions:

Clarification of general instructions and submission requirements

2. Application:

a. Part III, Section A – Development Status: Clarified status of Development in regard to use with HOME funds

b. Part III, Section C – Ability to Proceed: Clarified timeframe for the submittal of site control and zoning information to the Credit Underwriter for scattered site Developments

c. Part III, Section D – Homebuyer Counseling: Changed submission requirement

d. Part III, Section H – HOME – Other Federal Requirements: Clarified Davis Bacon requirement

3. Application Forms:

a. Verification of Availability of Infrastructure / Roads Form (Exhibit 21):

Clarified utilization of unpaved roads

b. Development Cost Pro Forma (Exhibit 35): Limited Developer Fee to 16% of the Total Development Cost, Contractor's fee to 14% of the actual Construction Cost, and hard and soft costs contingency to no greater than 8%

c. Construction Analysis (Exhibit 37): Added: "All Applicants must complete this form regardless of the use of HLP funding"

d. Permanent Analysis (Exhibit 38): Added: "On a per unit basis"; "(Total request amount divided by number of units)" at second line and "Homebuyer Contribution" under Sources/Other

e. Affordability Analysis (Exhibit 39): Clarified interest rate of 7% to be used in calculating total Monthly Housing Payment

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER NO.: RULE CHAPTER TITLE:

69A-2 Explosives

RULE NO.: RULE TITLE:

69A-2.024 Construction Materials Mining Activities

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed Rule 69A-2.024, F.A.C., in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, (2003), published in Vol. 30, No. 18, April 30, 2004, of the Florida Administrative Weekly. These changes are being made to address comments by the Joint Administrative Procedures Committee.

The rule section enumerated above is changed to read:

69A-2.024 Construction Materials Mining Activities.

(1) through (13) No change.

(14) FLORIDA CONSTRUCTION MATERIALS MINING ACTIVITIES ADMINISTRATIVE RECOVERY ACT, SECTIONS 552.32 – 552.44, FLORIDA STATUTES; BONDS, LETTERS OF CREDIT.

(a) Any person seeking to obtain a new User of Explosives License or to renew an existing User of Explosives License pursuant to the provisions of Section 552.091(5)(a), Florida

Statutes, and who is engaged in or intends to engage in the use of explosives in connection with construction materials mining activities, or any person seeking to obtain a new Construction Materials Mining Permit or to renew an existing Construction Materials Mining Permit issued pursuant to the provisions of Section 552.30, Florida Statutes, must post and maintain a bond as security on Form DFS K3-1580 which is hereby adopted and incorporated herein by reference, except as set forth in paragraph (d).

(b) Each bond shall:

1. Be issued by a surety company or by an insurance company licensed to issue surety bonds or to transact insurance in the State of Florida;

2. Contain as a condition of the undertaking the following statement in type at least as large as the size of the type for the remainder of the bond:

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT IF the PRINCIPAL, the above bounded _____, shall faithfully comply with and conduct business under its license or permit in accordance with the provisions of the Chapter 552, Florida Statutes, and abide by all applicable statutes and rules and regulations of the Department of Financial Services (the Department) as promulgated by the Chief Financial Officer, the obligation shall be null and void; otherwise, it shall remain in full force and effect. This bond shall be in favor of the Department and shall specifically authorize recovery by the Department on behalf of a prevailing party in an action for damages sustained under the Florida Construction Materials Mining Activities Administrative Recovery Act, Sections 552.32 – 552.44, Florida Statutes, in case the Principal is guilty of failing to pay damages awarded within 30 days after a final order is issued by an administrative law judge of the Division of Administrative Hearings, or within 30 days after the entry of an appellate mandate affirming a final order awarding damages.

3. Have attached to it a properly certified copy of the agent's Power of Attorney;

4. Be signed by the principal and have the signature of the principal witnessed;

5. Have typed below each signature the name of the person having affixed his or her signature;

6. Be countersigned by a Florida Resident General Lines Agent of the Surety which must not be a title insurer;

7. Be bound to the Department of Financial Services of the State of Florida or its successors in office, in the penal sum of \$100,000.00 in the aggregate, lawful money of the United States of America, for payment of which well and truly to be made;

8. Provide for giving 30 days notice of cancellation in writing to the principal and filed with the Department of Financial Services by United States registered mail;

9. Contain at the top, centered, in not less than 14 point boldface type lettering the words, "Construction Materials Mining Company Bond, Section 552.38, F.S."

(c) Although not required to be used, a form for a bond can be found at the Division of State Fire Marshal website located at <http://www.fldfs.com/SFM/index.htm> which, if used and properly completed, will comply in all respects with the requirements of this rule.

(b) Form DFS K3-1580 may be obtained from the Department of Financial Services, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(c) Any bond which is on a form other than Form DFS K3-1580 is not acceptable and is void and of no effect.

(d) 1. through 14. No change.

15. Each Letter is subject to approval by the department; however, if a Letter meets the criteria in, and complies with, subparagraphs 2. through 14. of paragraph (d) of this subsection, it shall be approved the department shall not unreasonably withhold approval of any Letter which complies with these rules.

16. Once approved by the department, no Letter may be altered or amended in any manner except with written approval of the department; however, any Letter which contains any alteration or amendment which meets the criteria in, and complies with, subparagraphs 2. through 15. of paragraph (d) of this subsection, shall be approved.

(e) No change.

(f) Each person subject to Section 552.38, F.S., must complete and maintain on file with the Department of Financial Services form DFS-K3-xxxx, which is hereby adopted and incorporated by reference. Form DFS-K3-xxxx may be obtained by contacting the department at 200 East Gaines Street, Tallahassee, Florida 32399-0340, or by visiting the Division of State Fire Marshal website located at <http://www.fldfs.com/SFM/index.htm>.

(15) No change.

Specific Authority 552.38 FS. Law Implemented 552.38 FS. History—New 11-25-01, Amended 6-24-02, Formerly 4A-2.024, Amended _____.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 543, S'MORE CASH
 RULE NO.: 53ER04-44
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 543, "S'MORE CASH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-44 Instant Game Number 543, S'MORE CASH.

(1) Name of Game. Instant Game Number 543, S'MORE CASH (Referred to herein as "S'MORE CASH").

(2) Price. S'MORE CASH lottery tickets sell for \$2.00 per ticket.

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

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

1 <small>ONE</small>	2 <small>TWO</small>	3 <small>THREE</small>	4 <small>FOUR</small>	5 <small>FIVE</small>	6 <small>SIX</small>
7 <small>SEVEN</small>	8 <small>EIGHT</small>	9 <small>NINE</small>	10 <small>TEN</small>	11 <small>ELEVN</small>	12 <small>TWELV</small>
13 <small>THRTN</small>	14 <small>FORTN</small>	15 <small>FIFTN</small>	16 <small>SIXTN</small>	17 <small>SVNTN</small>	18 <small>EGHTN</small>
19 <small>NINTN</small>	20 <small>TENTY</small>				
		<small>HIN \$50</small>			

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

1 <small>ONE</small>	2 <small>TWO</small>	3 <small>THREE</small>	4 <small>FOUR</small>	5 <small>FIVE</small>	6 <small>SIX</small>
7 <small>SEVEN</small>	8 <small>EIGHT</small>	9 <small>NINE</small>	10 <small>TEN</small>	11 <small>ELEVN</small>	12 <small>TWELV</small>
13 <small>THRTN</small>	14 <small>FORTN</small>	15 <small>FIFTN</small>	16 <small>SIXTN</small>	17 <small>SVNTN</small>	18 <small>EGHTN</small>
19 <small>NINTN</small>	20 <small>TENTY</small>				

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

TICKET <small>TICKET</small>	\$1.00 <small>ONE</small>	\$2.00 <small>TWO</small>	\$5.00 <small>FIVE</small>	\$10.00 <small>TEN</small>	\$20.00 <small>TWENTY</small>
		\$25.00 <small>THY FIV</small>			
\$50.00 <small>FIFTY</small>	\$100 <small>ONE HUN</small>	\$200 <small>TWO HUN</small>	\$1,000 <small>ONE THO</small>	\$5,000 <small>FIVE THO</small>	
		\$10,000 <small>TEN THO</small>			

(7) The legends are as follows:

HINNING YOUR NUMBERS
NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches either number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to eight sets of matching numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200, \$1,000, \$5,000 and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a S'MORE CASH lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.



(b) A ticket having a “WIN \$50” symbol in the “YOUR NUMBERS” play area shall be entitled to a prize of \$50.00.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 543 are as follows:

GAME PLAY TICKET	WIN \$2 TICKET	ODDS OF		NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
		1 IN	10.00	
\$2	\$2	15.00	756,000	504,000
\$2 x 2	\$4	37.50	201,600	201,600
\$1 + (\$2 x 2)	\$5	37.50	201,600	201,600
\$5	\$5	50.00	151,200	151,200
\$1 + (\$2 x 2) + \$5	\$10	150.00	50,400	50,400
(\$1 x 6) + (\$2 x 2)	\$10	75.00	100,800	100,800
\$10	\$10	150.00	50,400	50,400
\$25	\$25	105.88	71,400	71,400
(\$5 x 2) + (\$10 x 4)	\$50	1,800.00	4,200	4,200
\$10 x 5	\$50	1,800.00	4,200	4,200
\$50 (DOLLAR BILL)	\$50	371.13	20,370	20,370
(\$5 x 4) + (\$20 x 4)	\$100	18,900.00	400	400
(\$25 x 2) + \$50	\$100	25,200.00	300	300
\$100	\$100	25,200.00	300	300
(\$25 x 6) + \$50	\$200	151,200.00	50	50
(\$100 x 6) + (\$200 x 2)	\$1,000	756,000.00	10	10
\$1,000	\$1,000	1,260,000.00	6	6
\$5,000 x 2	\$10,000	3,780,000.00	2	2
\$10,000	\$10,000	3,780,000.00	2	2

(10) The estimated overall odds of winning some prize in Instant Game Number 543 are 1 in 3.57. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 543, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

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

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 8-13-04.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.
EFFECTIVE DATE: August 13, 2004

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 555, TAILGATOR
RULE NO.: 53ER04-45

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 555, “TAILGATOR,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-45 Instant Game Numbers 555, TAILGATOR.

(1) Name of Game. Instant Game Number 555, “TAILGATOR.”

(2) Price. TAILGATOR lottery tickets sell for \$1.00 per ticket.

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

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

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVN	12 THELV
13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN
19 NINTN					



DOUBLE

(5) The “WINNING NUMBER” play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVN	12 THELV
13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN
19 NINTN					

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

TICKET	\$1.00	\$2.00	\$4.00	\$5.00	\$10.00
TICKET	ONE	TWO	FOUR	FIVE	TEN
\$20.00	\$25.00	\$50.00	\$100	\$250	\$500
THENTY	THY FIV	FIFTY	ONE HUN	TWO HUN FTY	FIVE HUN
\$1,000	\$2,000				
ONE THO	TWO THO				

(7) The legends are as follows:

YOUR NUMBERS WINNING
NUMBER NUMBER

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches the number in the "WINNING NUMBER" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to six sets of matching numbers. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$250, \$500, \$1,000, and \$2,000. A person who submits by mail a TAILGATOR lottery ticket that entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.



(b) A ticket having a "DOUBLE" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of double the corresponding amount.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 555 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF
			WINNERS IN 84 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$1	10.00	1,512,000
\$1	\$1	15.00	1,008,000
\$2	\$2	25.00	604,800
\$4	\$4	100.00	151,200
\$1 x 5	\$5	150.00	100,800
\$1 + (\$2 x 2)	\$5	150.00	100,800
\$5	\$5	75.00	201,600
(\$1 x 2) + (\$2 x 4)	\$10	600.00	25,200
\$5 "DOLLAR BILL"	\$10	150.00	100,800
\$10	\$10	600.00	25,200
\$1 + (\$2 x 2) + (\$5 x 2) + \$10	\$25	600.00	25,200
\$5 x 5	\$25	900.00	16,800
\$25	\$25	1,800.00	8,400
(\$5 x 2) + (\$10 x 4)	\$50	6,000.00	2,520
\$25 "DOLLAR BILL"	\$50	7,500.00	2,016
\$50	\$50	45,000.00	336
(\$10 x 2) + (\$20 x 4)	\$100	189,000.00	80
\$50 "DOLLAR BILL"	\$100	189,000.00	80
\$100	\$100	581,538.46	26
\$1,000	\$1,000	840,000.00	18
(\$250 x 4) + (\$500 x 2)	\$2,000	1,890,000.00	8
\$2,000	\$2,000	1,890,000.00	8

(10) The estimated overall odds of winning some prize in Instant Game Number 555 are 1 in 3.89. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 555, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

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

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 8-13-04.

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

EFFECTIVE DATE: August 13, 2004

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

DEPARTMENT OF FINANCIAL SERVICES
Division of Insurance Agents and Agency Services

RULE TITLE: Requirements Relating to Public Adjusting
RULE NO.: 69BER04-4
SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: The Department of Financial Services hereby states that the following circumstances constitute an immediate danger to the public health, safety, and welfare: This emergency rule is necessitated by the damage in Southwest Florida rendered by Hurricane Charley, which hit the Punta Gorda and Port Charlotte area on August 13, 2004 as a category 4 hurricane with sustained winds up to 145 miles per hour, and Tropical Storm Bonnie which hit North Florida one day earlier. Hurricane Charley crossed Northeast through the center of the state exiting near Daytona Beach. In a 10-mile wide path extending from the Southwest coast there was widespread major damage to homes, loss of personal belongings and corresponding temporary loss of employment. The Governor of Florida declared a statewide state of

emergency. Insured losses have initially been estimated by the Governor's office at \$15 billion. FEMA estimated 80% of the buildings in Charlotte County were damaged. Lee County officials estimated the \$250,000 buildings in Lee County were damaged. The President of the United States declared 25 counties in Florida as a disaster area.

Excessive adjusting fees are a source of injury to the public health, safety, and welfare by substantially impairing the financial ability of insureds to effectuate repairs to damaged property in a timely fashion, to commence or complete repairs, or to make proper and adequate repairs meeting building code requirements. In order for complete rebuilding to occur, insurance proceeds cannot be eroded by unreasonable public adjuster fees. As a result, there is a need to limit the fees imposed by public adjusters to a reasonable level. This rule limits fees charged by public adjusters to 10 per cent of the policy proceeds.

The rule provisions relating to required contract terms, and other ethical requirements, are reasonable and necessary based on the department's experience with public adjuster abuses after prior hurricanes.

The Legislature recognized, in Section 626.8698, F.S., that the interest of the public demands that public adjusters be prohibited from "soliciting or otherwise taking advantage of a person who is vulnerable, emotional or otherwise upset as a result of trauma, accident or similar occurrence..." Hurricane Charley has placed a great number of people in a state of vulnerability. The emotional stress of claimants may lead them to make imprudent decisions in the context of contracting with public adjusters.

In consideration of the emergency conditions currently existing, and given the Department's responsibility to protect the public interest, including insureds, and implement the Insurance Code, an emergency rule is necessary.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Department of Financial Services believes that the adopting an emergency rule is the fairest method to protect the public because the nature of the destruction caused by Hurricane Charley, including disruption of communication and transportation, requires an immediate response. The conditions created by Hurricane Charley require the Department to exercise its authority to provide protection from the conduct of unscrupulous public adjusters now. The provisions of this rule provide needed guidance to public adjusters. A Department bulletin addressed to all licensed public insurance adjusters would reach them, but would not be legally binding. A permanent rule would not have the flexibility and immediacy to protect the public welfare.

SUMMARY OF RULE: This emergency rule adopts emergency ethical standards to be applied to claims resulting from Hurricane Charley and Tropical Storm Bonnie. The rule limits public adjuster commissions to a maximum 10% of

insurance proceeds regardless of whether the risk is residential or commercial. The rule also prohibits public adjusters from requiring, demanding, or accepting payments prior to settlement of a claim. The rule requires certain standards for public adjuster contracts to reduce risk of deception. The rule also establishes ethical standards to avoid incompetence, conflict of interest, or deception. The rule also establishes a 14-day rescission period for public adjuster contracts. Additionally the rule prohibits public adjusters from entering into a contract to adjust a residential property claim that has been declared a total loss, unless the public adjuster services can reasonably be expected to benefit the claimant.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jerry W. Whitmore, Chief, Bureau of Investigation, Division of Agent and Agency Services, (850)413-5601

THE FULL TEXT OF THE EMERGENCY RULE IS:

69BER04-4 Requirements Relating to Public Adjusting.

(1) General provisions.

(a) This emergency rule sets forth specific limits on public adjuster commissions and provides other ethical standards to protect insureds under stress due to loss.

(b) The provisions of this emergency rule are intended to supplement the requirements for conduct of public adjusting and ethical requirements placed on public adjusting as set forth in Rules 69B-220.051 and 69B-220.201, Florida Administrative Code, as promulgated pursuant to applicable law. These provisions are intended to provide needed guidance to public adjusters and assure ethical public adjusting claims practices under the specific circumstances caused by the impact of Hurricane Charley and Tropical Storm Bonnie.

(c) This rule applies only to losses occurring as a result of Hurricane Charley and Tropical Storm Bonnie.

(d) This rule applies for 90 days from the date filed with the Secretary of State, Bureau of Administrative Code.

(e) The provisions of this rule are ethical requirements binding upon public adjusters, in addition to those requirements established in Rule Chapter 69B-220, Florida Administrative Code.

(2) Definitions.

(a) "Public Adjuster" is defined for purposes of this rule as defined in Section 626.854, Florida Statutes.

(b) "Public Adjusting" is the activity described in Section 626.854, Florida Statutes.

(3) Limits on Commissions.

(a) As to any one insured or claimant, no public adjuster shall charge, agree to, or accept as compensation or reimbursement any payment, commission, fee, or other thing of value equal to more than ten percent of any insurance settlement or proceeds.

(b) No public adjuster shall require, demand, or accept any fee, retainer, compensation, deposit, or other thing of value, prior to settlement of the claim.

(4) Required Contract Terms. Public adjusters shall ensure that all contracts for their services are in writing, and contain the following terms:

(a) The contract shall legibly state the full name as specified in Department records of the public adjuster signing the contract.

(b) The contract shall be signed by the public adjuster who solicited the contract. If the public adjuster is licensed by the Department as an emergency public adjuster, the contract shall show the public adjuster's:

1. Permanent home address and home phone number;
2. Permanent home state business address and phone number; and
3. Florida Department license number.

(c) The contract shall show:

1. The insured's full name and street address;
2. Address of loss;
3. A brief description of the loss;
4. The insured's insurance company name and policy number, if available.

(d) The contract shall show the date the contract with the public adjuster was actually signed by the insured or claimant.

(e)1. The full compensation to the public adjuster shall be stated in the contract.

2. If the compensation is based on a share of the insurance settlement, the exact percentage shall be specified.

3. Any costs to be reimbursed to the public adjuster out of the proceeds shall be specified by type, with dollar estimates set forth in the contract.

(5) General Ethical Requirements. Public Adjusters shall adhere to the following requirements:

(a) An adjuster shall not undertake the adjustment of any claim concerning which the adjuster is not currently competent and knowledgeable as to the terms and conditions of the insurance coverage, or which otherwise exceeds the adjuster's current expertise.

(b)1. No person shall, as a public adjuster, represent any person or entity whose claim the adjuster has previously adjusted while acting as an adjuster representing any insurer or independent adjusting firm.

2. No person shall, as a company or independent adjuster, represent him or herself or any insurer or independent adjusting firm against any person or entity that the adjuster previously represented as a public adjuster.

(c)1. A public adjuster shall not represent or imply to any client or potential client that insurers, company adjusters, or independent adjusters routinely attempt to, or do in fact, deprive claimants of their full rights under an insurance policy.

2. No insurer, independent adjuster, or company adjuster shall represent or imply to any claimant that public adjusters are unscrupulous, or that engaging a public adjuster will delay or have other adverse effect upon the settlement of a claim.

(d)1. No public adjuster, while so licensed in the Department's records, may represent or act as a company adjuster, independent adjuster, or general lines agent.

2. No independent adjuster or company adjuster, while so licensed in the Department's records, may represent or act as a public adjuster.

(e)1. A public adjuster's contract with a client shall be revocable or cancelable by the insured or claimant, without penalty or obligation, for at least 14 business days after the contract is entered into.

2. The public adjuster shall disclose to the insured that the insured has the right to cancel with prompt notice within the revocation period.

3. If the insured elects to cancel the contract, prompt notice shall be provided to the adjuster.

4. Nothing in the provision shall be construed to prevent an insured from pursuing any civil remedy after the 14 day cancellation period.

(f) A public adjuster shall not enter into a contract or accept a power of attorney which vests in the public adjuster the effective authority to choose the persons who shall perform repair work.

(g) A public adjuster shall ensure that all contracts for the public adjuster's services are in writing and set forth all terms and conditions of the engagement.

(6) Total Loss Claims. No public adjuster shall knowingly enter into a contract to adjust a residential property claim subsequent to an insurer declaring the property a total loss, unless the services to be provided by the public adjuster can reasonably be expected to result in the claimant obtaining an insurance settlement, net of the adjuster's compensation, in excess of what the insured claimant would have obtained without the services of the public adjuster.

Specific Authority 624.308, 626.878, 626.9611 FS, Law Implemented 624.307(1), 626.611, 626.621, 626.865(2), 626.8698, 626.878, 626.9541(1)(i) FS. History--New 6-2-93, Amended 12-18-01, 8-17-04.

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

EFFECTIVE DATE: August 17, 2004

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2004-141 DAO-ROW), on August 11, 2004, to the Glades County Board of County Commissioners. The petition for waiver was received by the SFWMD on June 30, 2004. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 30, No. 29, on July 16, 2004. No public comment was received.

This Order provides a waiver for the proposed construction of a CBS restroom building facility and for an existing restroom building to remain within the east right of way of C-41 at the County's existing Harney Pond Recreational Park (a/k/a Margaret Van de Velde Park), located south of State Road 78, Glades County, S13/T40S/R32E. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(6) and paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which govern the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the District no longer performs any type of routine maintenance within this area, including the spraying of the lake for aquatics; and 2) the Order granting a waiver from the subject rule would prevent Glades County from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299, e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2004-142 DAO-ROW), on August 11, 2004, to

Miami-Dade County Department of Solid Waste Management. The petition for waiver was received by the SFWMD on August 21, 2002. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 28, No. 37, on September 13, 2002. No public comment was received.

This Order provides a waiver for an existing unauthorized instrumentation conduit and cross-fence to remain within the L-31E right of way attached to an existing aerial pipeline crossing immediately south of Goulds Canal and immediately northwest of Tuesberg Drive/SW 256th Street bridge, respectively, Miami-Dade County, S28/T56S/R40E. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(6), and paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which govern the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of canal bank and within the District's designated 100-foot long equipment staging areas located at all bridges and pile-supported utility crossings within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Miami-Dade County Department of Solid Waste Management from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299, e-mail: jsluth@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2004-143 DAO-ROW), on August 11, 2004, to Rodney and Andrea Saylor. The petition for waiver was received by the SFWMD on July 29, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 32, on August 8, 2003. No public comment was received.

This Order provides a waiver for an existing unauthorized dock located on the northerly right of way of C-14 at the rear of 6564 Northwest 1st Street, Broward County, S36/T48S/R41E. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the minimum low member elevation of

pile-supported docking facilities located within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the dock will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Rodney and Andrea Sayler from suffering a substantial hardship.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299, e-mail: jsluth@sfwmd.gov.

DEPARTMENT OF ELDER AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Elder Affairs, on June 21, 2004, received a petition from Hospice of Southwest Florida, Inc., seeking a waiver or variance from the physical plant requirements for freestanding inpatient hospice facilities regarding the provision of a separate conference or consultation room for patient and family use pursuant to paragraph 58A-2.025(3)(t), F.A.C. A notice of receipt of petition for variance or waiver was published on July 2, 2004. On August 13, 2004, a notice was received from the Petitioner stating its petition was rescinded and withdrawn from consideration for a variance or waiver of the Department's rule. Copies may be obtained from: Susan Avellone, Department of Elder Affairs, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on July 27, 2004, Bureau of Elevator Safety received a Petition for Variance (Case Number 2004-082) from ASME A.18.1, Sections 2.1.3.2, 2.1.3.4, 2.1.3.5 and 2.1.3.6, as adopted by Chapter 30, section 3001.2, Florida Statutes, which requires runway entrances at any intermediate landings and sides of the platform providing access to the lower landing be guarded by a door, walls on the side of the platform not used for entrance, and the installation of pressure sensing devices on the underside of the platform which will cause electric power to be removed when activated. The petition was filed by Don Birdsall of Vertical Mobility, Inc. on behalf of the Walton County Courthouse, in De Funiak Springs.

A copy of the Petitions 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.

The Bureau of Elevator Safety hereby gives notice that it has issued an Order on the Petition for Variance (VW 2004-066) filed by Richard Bieniarz on behalf of Sanibel View Condominiums.

The Bureau's Order, filed on August 10, 2004, granted the petition for variance to have sprinkler heads below the required 7 foot clearance required by code. A variance was granted because the Department determined that the intent of the code was met by protecting the sprinkler heads.

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

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on May 21, 2004, by Ted Gorman of Otis Elevator regarding Fairfield Orlando @ Bonnet Creek, Building II, seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

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

NOTICE IS HEREBY GIVEN that on August 3, 2004, Bureau of Elevator Safety issued an Order Granting Variance Request in response to a petition filed on May 6, 2004 requesting a variance from Rules 100.3a, 101.6, 206.5a, 208.2a, 208.2b, and 212.1, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring access to the overspeed governor from outside the hoistway, a machine room, a minimum 3/8 inch governor rope, metallic sheaves and steel ropes with sheaves 40 times the diameter of the rope. The petition was received from Lee Rigby of Vertical Assessments, requesting a variance to allow the installation of an ISIS™ elevator system in the following location: Jacksonville University-Swisher auditorium (Petition VW 2004-041).

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

NOTICE IS HEREBY GIVEN that on August 4, 2004, Bureau of Elevator Safety received a Petition for Variance from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, which require a machine room, steel ropes and non welded terminations, from Robert Gerdt of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: Azure Condominiums (Petition VW 2004-084).

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 27, 2004, Bureau of Elevator Safety received a Petition for Variance from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, which require a machine room, steel ropes and non welded terminations, from Robert Gerdt of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: Radisson Lido Beach Resort (Petition VW 2004-083).

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on, August 11, 2004, Florida Housing Finance Corporation received a request to withdraw the Petition for Waiver of subsection 67-50.005(8), Florida Administrative Code, received by Florida Housing on June 30, 2004, and replacement of the Petition with a new Petition for waiver of subsection 67-50.005(6), Florida Administrative Code, from Countrywide Housing Assistance Program, Phase I ("Petition"). The new petition requests a

waiver of the rule which provides that all roads in the development be paved roads. A copy of the Petition can be obtained from Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs**, Florida Arts Council announces public meetings to which all persons are invited:

DATE AND TIME: Wednesday, September 22, 2004, 9:00 a.m. – Conclusion

PLACE: Bass Museum of Art, 2121 Park Avenue, Miami, FL
DATE AND TIME: Wednesday, September 22, 2004, 2:00 p.m. – conclusion

PLACE: Miami Museum of Art, 101 West Flagler Street, Miami, Florida

DATE AND TIME: Thursday, September 23, 2004, 10:00 a.m. – Conclusion

PLACE: Miami Children's Museum, 980 McArthur Causeway, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Florida Arts Council.

ACTION TO BE TAKEN: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the council. Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken. If you have questions, please call (850)245-6473.

A copy of the agenda may be accessed at the Division of Cultural Affairs' website at www.Florida-Arts.org, or by contacting: Dianne Alborn, Executive Assistant, 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6473, e-mail: dalborn@dos.state.fl.us. Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by the 16th day of September 2004, if you need an accommodation. Accommodations can be arranged through Dana DeMartino, ADA Coordinator, Division of Cultural Affairs, (850)245-6477, Fax (850)245-6492, e-mail: ddemartino@dos.state.fl.us.

DEPARTMENT OF LEGAL AFFAIRS

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.

on Wednesday, September 1, 2004, 10:00 a.m.

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

Please call (850)414-3300 for instructions on participation. If you need an accommodation because of disability in order to participate, please notify FCSW in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

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

The Finance and Budget 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: September 3, 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 writing at least five days 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 Annual Report 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: Wednesday, September 8, 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 writing at least five days 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** announces a meeting to which all interested persons are invited.

DATES AND TIMES: Wednesday, September 9, 2004, 1:00 p.m. – 5:00 p.m.; Thursday, September 10, 2004, 9:00 a.m. – 1:00 p.m.

PLACE: University of South Florida, Gibbons Alumni Center, Traditions Hall, 4202 E. Fowler Avenue, Tampa, FL 33620, (813)974-2011(Please call (850)414-3300 for instructions on participation)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, PL-01, Tallahassee, FL 32399-1050.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Agriculture Center & Horse Park Authority**, Inc. announces a General Meeting to which all interested persons are invited to participate.

DATE AND TIME: Thursday, September 2, 2004, 10:00 a.m.

PLACE: Ocala/Marion County Chamber of Commerce, 110 East Silver Springs Boulevard, Ocala, Florida (For directions please call: (352)629-8051)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Florida Agriculture Center and Horse Park Authority, Inc.

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council:

DATES AND TIMES: Thursday, September 2, 2004, 12:00 Noon; Thursday, September 9, 2004, 10:00 a.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call: Sonia Pequignot, (305)401-1502.

DEPARTMENT OF EDUCATION

The Florida **Department of Education**, American Sign Language (ASL) Task Force announces a public meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, August 31, 2004, 9:30 a.m. – 3:00 p.m.

PLACE: Embassy Suites Hotel, 225 East Altamonte Drive, Altamonte Springs, Florida, (407)834-2400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organizational meeting of the American Sign Language (ASL) Task Force, which is required under Section 1007.2615, Florida Statutes. The Task Force will report to the Commissioner of Education up-to-date information about ASL and guidelines for developing and maintaining ASL courses as a part of the curriculum for public and independent schools. The Task Force will also consult on the development of rules establishing licensing/certification standards to be applied to teachers who teach ASL as part of a school curriculum.

A copy of the agenda may be obtained by contacting: ASL Task Force, Bureau of Student Assistance, Florida Department of Education, Room 314, Turlington Building, Tallahassee, Florida 32399-0400, (850)245-0414, Suncom 205-0414.

Any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 24 hours in advance by calling the number indicated above.

The public is invited to a meeting of the **Department of Education**, Advisory Council on Educational Facilities Subcommittee.

DATES AND TIMES: Tuesday, August 31, 2004, 9:00 a.m. – 4:00 p.m.; Wednesday, September 1, 2004, 9:00 a.m. – 12:00 Noon

PLACE: Valencia Community College Sand Lake Center, 2407 Sand Lake Road, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of a subcommittee of the Council charged with making recommendations relating to educational facilities in the K-20 education system in Florida. The sub-committee will meet to finalize the recommendations of the Council and prepare a presentation for the State Board of Education.

A copy of the agenda may be obtained from the Advisory Council on Educational Facilities website at <http://www.myfloridaeducation.com/council>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The State of Florida, **Department of Education, Education Practices Commission** announces two (2) Teacher Hearing Panels, an Administrator Hearing Panel and an Annual Business Meeting; all persons are invited.

Teacher Hearing Panel

DATE AND TIME: September 16, 2004, 1:00 p.m.

Annual Business Meeting

DATE AND TIME: September 16, 2004, immediately following the 1:00 p.m. Teacher Hearing

Administrator Hearing Panel

DATE AND TIME: September 17, 2004, 8:30 a.m.

Teacher Hearing Panel

DATE AND TIME: September 17, 2004, immediately following the 8:30 a.m. Administrator Hearing

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, Florida 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panels of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, Room 224, Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System, 711.

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows:

DATE AND TIME: September 9, 2004, 10:00 a.m. (CDT)

PLACE: Third Floor Seminar Room, Student Union West, Panama City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

Contact person for the meeting: Dr. Robert L. McSpadden, President.

DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend:

DATE AND TIME: September 14, 2004, 10:00 a.m. – Open

PLACE: Broward Community College, Criminal Justice Institute, 3501 Southwest Davie Road, Fort Lauderdale, Florida 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the Probable Cause Case agenda can be obtained by calling: Brenda Presnell, (850)410-8648, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Professional Compliance Section, Post Office Box 1489, Tallahassee, Florida 32302.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 2 weeks prior to the meeting.

DEPARTMENT OF REVENUE

The **Department of Revenue**, Property Tax Administration Program announced a tangible personal property life expectancy guidelines public workshop in the July 23, 2004 issue of the Florida Administrative. This workshop is scheduled to be held as follows and all interested persons are invited to attend.

DATE AND TIME: September 9, 2004, 9:30 a.m. – 5:00 p.m. or earlier if business is completed

PLACE: Orlando Public Library, Albertson's Room, 101 E. Central Blvd., Orlando, FL (Direction information for the library may be found at http://www.ocls.lib.fl.us/Locations/locations_main_downtown.as)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to discuss and to receive public comment on a study on tangible personal property asset lives conducted by Mr. Steve Barreca of Barreca Consulting and Research International, Inc. The study was conducted as a beginning point to assist the Department in updating the Tangible Personal Property Appraisal Guidelines. The study was based on Florida specific data retrieved from approximately 680,000 tangible personal property tax returns filed from 1998 through 2003 in several counties. Assets for utilities or integrated industries, including the electric, cable and telecommunications industries, were not included in the study.

The study and the workshop agenda may be found at <http://www.myflorida.com/dor/property/>, then click on the link TPP Depreciation Tables Preliminary Report.

The Department encourages participation in this workshop and invites anyone to share comments or data with the Department prior to and at the workshop. Comments may be submitted prior to the workshop to: Sharon Gallops, Florida Department of Revenue, 501 S. Calhoun St., Room 413, Tallahassee, FL 32399-0100 or gallops@dor.state.fl.us. Once received, these comments become public record. In order to share any comments or data with participants at the workshop, the Department requests submission to Ms. Gallops no later than September 6, 2004.

A copy of the agenda or the study may also be obtained from Ms. Gallops.

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

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 2 announces the opportunity for a Public Hearing. If requested within 21 days of the date of this notice, a hearing will be held at the time, date and place shown below:

DATE AND TIME: October 28, 2004, 7:00 p.m.

PLACE: The Florida Department of Transportation, Training Center, 2250 Irene Street (corner of I-10 and Stockton Street), Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice is hereby given that the Florida Department of Transportation will offer an opportunity for a public hearing concerning renaming of SR-102 NB (local name – South Access Road) to State Road 243 in the City/County of Jacksonville, Duval County, Florida.

All persons wishing to be heard on this subject are hereby notified to respond in writing to the individual listed below by September 16, 2004.

For more information, please contact: Ms. Cindy Boyette, Project Manager, Florida Department of Transportation, 1109 S. Marion Avenue, MS 2014, Lake City, Florida 32025-5874.

The **Florida Ports Financing Commission** announces a teleconference in which all interested persons are invited to participate.

DATE AND TIME: September 10, 2004, 10:00 a.m.

PLACE: Florida Ports Council, 502 E. Jefferson Street, Tallahassee, Florida 32301; Call In Number 1(877)407-0183, Participant Code 206893

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise: Toy Keller, (850)222-8028.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

The **Florida Prepaid College Board** announces a public meeting to which all interested parties are invited to attend.

DATE AND TIME: Monday, August 30, 2004, 9:00 a.m., recessing at the end of each session and reconvening, as necessary the next business day at 9:00 a.m. or such other time and date as is posted at the meeting room prior to 9:00 a.m. of the day proceeding the day of the meeting, until business has been concluded

PLACE: Florida Prepaid College Board Office, 2nd Floor, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and score responses received from the Invitation to Negotiate for Investment Consultant Services, ITN# 04-02.

If any person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The Investment Committee of the **Florida Prepaid College Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Wednesday, September 15, 2004, 9:30 a.m. or soon thereafter

PLACE: The Sofitel Miami, 5800 Blue Lagoon Drive, Miami, Florida 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited. A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The **Florida Prepaid College Program Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Wednesday, September 15, 2004, 11:00 a.m. or soon thereafter

PLACE: The Sofitel Miami, 5800 Blue Lagoon Drive, Miami, Florida 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Board to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public workshop to which all interested persons are invited.

DATES AND TIMES: September 2, 2004, 10:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop is designed to inform the Florida Citrus Commission on the background and current status of the commercialization process for abscission compounds. The importance of an abscission agent to the Florida citrus industry and a review of projected timelines and costs for the registration process will also be discussed.

A copy of the agenda may be obtained by contacting: Robin Bryant, (863)295-5950.

In accordance with the American Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Bill Jones at the above address or by telephone, (863)499-2500.

The **Department of Citrus** announces a public meeting of the Gift Fruit Advisory Council to which all persons are invited.

DATE AND TIME: Tuesday, September 7, 2004, 11:00 a.m.

PLACE: Hyatt Regency – Two Tampa Center, 211 N. Tampa Street, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will meet to review program recommendations for 2004/05 season. The Council will also discuss any other issues that may properly come before the Council.

If you would like to attend this meeting via telephone conference you may do so by calling 1(888)461-8118.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting: Mr. Art Johnson, (863)499-2510.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 15, 2004, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, 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 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** will consider at its September 7, 2004, Agenda Conference, Docket No. 040893-GU, Application of City Gas Company of Florida, a Division of NUI Utilities, Inc., for authority to issue debt security, pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to enter into a \$75 million senior secured credit facility. In addition, the Company seeks approval to extend certain short-term, unsecured financial facilities in the maximum principal amount of \$150 million.

DATE AND TIME: Tuesday, September 7, 2004, 9:30 a.m. although the time at which this item will be heard cannot be determined at this time

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 040893-GU.

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

For additional information, please contact: Katherine Fleming, Office of the General Counsel, (850)413-6218.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Florida Sports Foundation** announces its quarterly Grant Committee meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 1, 2004, 9:55 a.m. – 11:55 a.m.

PLACE: 2930 Kerry Forest Parkway, Suite 101, Tallahassee, Florida 32309; Call In Numbers 1(877)651-3476 (toll free), (850)413-9245 (Tallahassee)

Please make note that if a person decides to appeal any decision made by the Grant Committee with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council**, Ad Hoc Committee on Policies, Priorities and Procedures announces the following public meeting to which all persons are invited:

DATE AND TIME: Wednesday, September 15, 2004, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is established to examine how the Council can transform and conduct business to help meet new challenges.

A copy of the Ad Hoc Committee Charge agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited:

DATE AND TIME: Wednesday, September 8, 2004, 9:30 a.m.

PLACE: Highlands County Health Department Conference Room, 7205 South George Blvd., Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, and Exercise Sub-Committee, to which all persons are invited.

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

PLACE: Highlands County Agriculture Extension Building, 4509 West George Boulevard, Sebring, Florida 33871

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committees.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces the following public hearing to which all interested persons are invited:

DATE AND TIME: Wednesday, September 15, 2004, 5:05 p.m. (CDT)

PLACE: DeFuniak Springs City Hall, 71 US Highway 90, West (Intersection of US Highway 90, West and US Highway 331), DeFuniak Springs, FL 32435

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Adoption of Proposed Millage Rate for FY 2004-2005 and Consideration of Adoption of the District's FY 2004-2005 Proposed Tentative Budget.

A copy of this agenda can be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999.

Appeal from any NFWFMD Board decision requires a record of the proceedings. Although Governing Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following Projects And Land Committee Meetings/Tours which may be conducted by means of or in conjunction with communications technology. All persons are invited.

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

PLACE: Tour provided by Silver Springs Natures Theme Park, 5656 E. Silver Springs Blvd., Silver Springs, FL 34488

Public meeting

DATE AND TIME: Thursday, September 2, 2004, 6:00 p.m.

PLACE: Holiday Inn Ocala-Silver Springs, 5751 E. Silver Springs Blvd., Silver Springs, FL 34488

Projects and Land Committee Business Meeting

DATE AND TIME: Friday, September 3, 2004, 8:00 a.m.

PLACE: Silver River Museum, 1445 N. E. 58th Avenue, Ocala, FL 34470 (followed by a tour of pertinent projects and/or properties beginning from the Marion County boat basin, Highway 40)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Meeting discussing District Programs and Projects. Business meeting to consider Governing Board Project and Lands Committee agenda items. Tours to visit relevant projects and properties.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or calling Sonia Blake, Water Resources Department, (386)312-2330.

NOTE: In the event that a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on the following Tuesday, September 7, 2004, 8:45 a.m. at the St. Johns River Water Management District office located on Highway 100 West, Palatka, Florida. In the event of a declared emergency or emergency conditions, all or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

The **St. Johns River Water Management District** announces the following public meetings and hearings. All persons are invited.

MEETING OF GOVERNING BOARD AND COMMITTEE CHAIRMEN

DATE AND TIME: Tuesday, September 7, 2004, 8:15 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, September 7, 2004, 8:45 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Finance & Administration agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, September 7, 2004, 10:00 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

BUDGET, GOVERNING BOARD/REGULATORY, AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, September 7, 2004, 1:00 p.m. (If necessary, this meeting may continue at 8:00 a.m. on the next consecutive day)

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of budget information for Fiscal Year 2004-2005 and consideration of District business including regulatory and non-regulatory matters.

PUBLIC HEARING ON TENTATIVE MILLAGE RATE AND BUDGET FOR FY2004-2005

DATE AND TIME: Tuesday, September 7, 2004, 5:05 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official presentation of the tentative FY2004-2005 millage rate and budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board.

NOTE: A copy of the agenda may be obtained at the SJRWMD website (www.sjrwmd.com) or by calling (386)329-4500.

One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing, (386)329-4500.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District** hereby gives notice of the following meeting to which all persons are invited and that one or more members of the Governing Board may attend.

MEETING: Agricultural Advisory Committee

DATE AND TIME: September 9, 2004, 1:30 p.m.

PLACE: District's Altamonte Springs Service Center, 975 Keller Road, Altamonte Springs, Florida 32714-1618

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Consumptive Use Permit (CUP) pending rule amendments, electronic permitting, water supply planning, and Total Maximum Daily Loads (TMDL) in the District.

Pursuant to the provisions of the Americans and Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise Vince Singleton, (386)329-4197, at least five work days before the date of the meeting

The **St. Johns River Water Management District** announces the following public meetings and hearings. All persons are invited.

MEETING: BUDGET, GOVERNING BOARD, REGULATORY

DATE AND TIME: Wednesday, September 22, 2004, 4:00 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Staff will recommend approval of external budget amendments that may affect current adopted budget; discussion and consideration of other District business including regulatory and non-regulatory matters.

PUBLIC HEARING TO APPROVE FLORIDA FOREVER WORK PLAN ANNUAL UPDATE

DATE AND TIME: Wednesday, September 22, 2004, 4:00 p.m. immediately following Governing Board/Regulatory agenda items

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public testimony concerning the District's Florida Forever Work Plan Annual Update for the acquisition and management of lands funded by the Florida Forever Trust Fund pursuant to Section 373.139(3) and 373.199(7), Florida Statutes.

PUBLIC HEARING ON THE FINAL MILLAGE RATE AND BUDGET FOR FY2004-2005

DATE AND TIME: Wednesday, September 22, 2004, 5:05 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official presentation of the final FY2004-2005 millage rate and budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board.

NOTE: A copy of the agenda may be obtained at the SJRWMD website (www.sjrwmd.com) or by writing: SJRWMD, P. O. Box 1429, Palatka, Florida 32178-1429.

One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting: Ann Freeman, (386)329-4101.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

PEACE RIVER BASIN BOARD MEETING (Note: This is a change of date from what was originally scheduled in the year-long calendar.)

DATE AND TIME: Friday, September 3, 2004, 9:30 a.m.

PLACE: SWFWMD, Bartow Service Office, 170 Century Boulevard, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including adoption of Fiscal Year 2005 final millage and budget.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

ENVIRONMENTAL ADVISORY COMMITTEE

DATE AND TIME: Wednesday, September 8, 2004, 4:00 p.m.

PLACE: Sarasota Service Office, 6750 Fruitville Road, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community and Legislative Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the American's with Disability Act (ADA) should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, September 2, 2004, 8:30 a.m. – completed

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Water Resources Advisory Commission meeting to discuss and consider water resources issues.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406. This is a contingent location that is being noticed because the previously noticed site for the meeting, the Sanibel Harbour Resort, 17260 Harbour Pointe Drive, Ft. Myers, FL 33908, may not be available for the meeting due to the impact of Hurricane Charley on the Ft. Myers, FL area.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/gover/wrac/agendas.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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: Mr. Rick Smith, WRAC Facilitator, Office of Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6517.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: September 8, 2004 and/or September 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

(<http://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, in the 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, 19-103702 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 “Pennsuo” 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.

Part of the Kissimmee River Project comprised of two (2) parcels referred to as SFWMD Tract Nos. 19-103-657 and 19-103-742 consisting of approximately 1 acre, lying in Section 17, Township 36 South, Range 33 East and in Highlands County, Florida.

Part of the East Coast Buffer Project comprised of three parcels referred to as South Florida Water Management District Tract Nos. 50-100-004, 50-100-005 and W9-100-001 in Sections 3,

11 and j24 of Township 45 South, Range 41 East and Hiatus all within Palm Beach County, Florida together with Sections 1, 2 and 12 of Township 42 South, Range 41 East and Sections 6, 7 and 8, Township 42 South, Range 42 East, Palm Beach County, Florida.

Part of the Henscratch Ranch Project referred to as SFWMD Tract Nos. HS-100-001 and HS-100-002 consisting of 2661.77 acres, more or less, and lying in Sections 25, 26, 35 and 36, Township 36 South, Range 28 East and Section 31, Township 36 South, Range 29 East, in Highlands County, Florida.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: September 8, 2004, 9:00 a.m.

PLACE: District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board meeting for consideration of regulatory and non-regulatory matters, conduct meeting of the Human Resources Committee and Audit Committee, including public meetings, adopt a resolution amending the FY2003-04 Budget as follows:

South Florida Water Management District
Proposed FY2003-04 Budget Amendment

The South Florida Water Management District will consider a proposed Amendment to its FY 2003-04 Budget at its regularly scheduled meeting on September 8, 2004. The meeting will be held in the District's Auditorium at 3301 Gun Club Road, WPB, FL and begin at 9:00 a.m. All concerned citizens are invited to attend. For further information on these proposed changes, please contact Doug Bergstrom, Director, Budget Division, (561)686-8800 or toll free at 1(800)432-2045. The amendment is intended to address the areas listed below.

	General Fund	Special Revenue Funds	Capital Projects Funds	Internal Service Fund	Total
FY 2003-04 Adopted Revenues and Balances	\$99,249,337	\$218,480,746	\$442,212,432	\$3,772,035	\$763,714,550
Amendments:					
Federal/State Grants		171,060			\$171,060
Intergovernmental			(\$16,735,592)		(\$16,735,592)
Sale of Real Property/Surplus			274,400		\$274,400
Land Lease Fees			713,738		\$713,738
Interest Revenue			37,119		\$37,119
Undesignated Fun Balance Appropriation	(810,000)	(5,286,764)	24,289,433		\$18,192,669
Operating Transfers In		4,496,764	29,058,578		\$33,555,342
Operating Transfers Out	(398,736)	(11,358,502)	(21,798,104)		(\$33,555,342)
Total Amended Revenues and Balances	\$98,040,601	\$206,503,304	\$458,052,004	\$3,772,035	\$766,367,944
Encumbrances Funded by Fund Balance	11,750,026	78,612,848	53,235,066		\$143,597,940
Encumbrances Funded by Future Revenue		1,198,627	40,381,955	15,763	\$41,596,345
Total Amended Sources	\$109,790,627	\$286,314,779	\$551,669,025	\$3,787,798	\$951,562,229
FY2003-04 Adopted Appropriations	\$99,249,337	\$218,480,746	\$442,212,432	\$3,772,035	\$763,714,550
Amendments:					
Land Acquisition			18,291,000		\$18,291,000
Debt Services			(793,274)		(\$793,274)
Contractual Services			(1,500,000)		(\$1,500,000)
Managerial Reserves	(1,208,736)	(3,553,437)			(\$4,762,173)
Exotic Plant Eradication Project		171,060			\$171,060
Mitigation Land Acquisition		(8,490,264)			(\$8,490,264)
Prior Year Adjustments		(104,801)	(158,154)		(\$262,955)
Total Amended Appropriations	\$98,040,601	\$206,503,304	\$458,052,004	\$3,772,035	\$766,367,944
Reserved for Encumbrances	11,750,026	79,811,475	93,617,021	15,763	185,194,285
Total Amended Appropriations & Encumbrances	\$109,790,627	\$286,314,779	\$551,669,025	\$3,787,798	\$951,562,229

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATES AND TIMES: Wednesday, September 8, 2004, 9:00 a.m. – completed

PLACE: B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District attorneys S. Wood, D. MacLaughlin, S. Echemendia, Kirk Burns and Scott Glazier.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at the (1) District Website (<http://sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Those who want more information, please contact Lori Ojala, District Clerk, in the Office of District Clerk, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406, (561)682-6297.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, September 8, 2004, 9:00 a.m. – completed

PLACE: SFWMD, Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED Regular Governing Board Workshop/Meeting/Audit Committee/Human Resources Committee to discuss and consider District business including regulatory and non-regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/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 Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, September 14, 2004, 2:00 p.m. – completed

PLACE: SFWMD, Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.)

GENERAL SUBJECT MATTER TO BE CONSIDERED Audit and Finance Committee to discuss and consider District business.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 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 Director of Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact the Director of Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Rate Review Committee Meeting to which all persons are invited.

DATE AND TIME: Thursday, September 9, 2004, 1:00 p.m. – completion

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819, (407)996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Medicaid allocations, receive updates on Medicaid, clarify data submitted by providers, and other business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** will hold a concerece call with the signers of the Triad Resolution and other interested parties.

DATE AND TIME: Wednesday, September 15, 2004, 11:00 a.m.

PLACE: Call in number (850)414-5775, Suncom 994-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss matters related to the Florida Triad.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** (AHCA) and the University of Florida, Department of Health Services Research, Management and Policy announce the First Meeting of the Florida Health Insurance Study (FHIS) Advisory Council to which all interested persons are invited.

DATE AND TIME: September 14, 2004, 10:00 a.m. – 3:00 p.m.

PLACE: AHCA, 2727 Mahan Drive, Fort Knox Office Complex, Building 3, Conference Room C, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Introductions and background information, brief summary of the Health Resources and Services Administration (HRSA) State Planning Grant project goals and objectives, the purpose and role of the FHIS Advisory Council, summary of the historical state effort to date to provide health care coverage to the uninsured, preliminary FHIS 2004 findings and comparisons to FHIS 1999, and the HRSA/SPG interim report requirements.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Ms. Shushan Gemora, (850)413-8059, at least five calendar days prior to the meeting.

A copy of the agenda and meeting materials may be obtained by writing: Mr. Mel Chang, AHCA Administrator, Bureau of Medicaid Research, 2727 Mahan Drive, Building 3, Suite 2340, MS #48, Tallahassee, Florida 32308, website: <http://www.fdhc.state.fl.us/Medicaid/Research/Projects/fhis2004/meetings.shtml>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meeting to be held via telephone conference, which all persons are invited to attend.

DATE AND TIME: September 21, 2004, 10:00 a.m. (Eastern Time)

PLACE: 1(800)416-4254 toll free (out of Tallahassee only), (850)922-2903, Suncom 292-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Auctioneers** announces the following general business meeting change from an in-person meeting to a telephone conference call meeting to which all persons are invited.

DATE AND TIME: September 29, 2004, 9:00 a.m. (EST)
 PLACE: Via telephone conference – To connect, dial (850)921-2470, Suncom 291-2470
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by writing: The Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)922-6096.

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 forty-eight (48) hours before the meeting by contacting (850)922-6096. If you are hearing and speech impaired, please contact the agency by calling 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 they 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 will include the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Funeral Directors and Embalmers** announces the following meeting to be held via telephone conference, to which all persons are invited to attend.

DATE AND TIME: September 22, 2004, 2:00 p.m. (Eastern Time)

PLACE: 1(800)416-4132 toll free (outside of Tallahassee only), (850)922-7892, Suncom 292-7892

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Funeral Directors and Embalmers, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Pilot Commissioners** announces the following meetings, to which all persons are invited to attend.

DATE AND TIME: October 7, 2004, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance Committee Meeting and Rules Committee Meeting immediately followed by Probable Cause Panel meeting, which portions may be closed to the public.

DATE AND TIME: October 8, 2004, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

PLACE: Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, FL 32207

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-5012, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Building Code Administrators and Inspectors Board** announces a telephone conference call to which all persons are invited to participate.

DATE AND TIME: September 8, 2004, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N Monroe Street, Tallahassee, FL; Telephone Number (850)410-0968, Suncom 210-0968

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, (850)922-5012, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** announces an Education Taskforce Committee meeting to which all persons are invited at the time, date and place shown below:

DATE AND TIME: September 13, 2004, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room N901, 400 W. Robinson Street, Hurston Building, North Tower, Orlando, Florida 32801, (407)245-0800.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss education issues relating to real estate licensees and applicants.

Any person requiring a special accommodation at this workshop because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. and 4:00 p.m.) at least five calendar days prior to the workshop. If you are hearing or speech impaired, please call the Florida Real Estate Commission using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

The **Florida Real Estate Commission** announces a taskforce meeting to which all persons are invited at the time, date, and place shown below:

DATE AND TIME: September 13, 2004, 3:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room N901, 400 W. Robinson Street, Hurston Building, North Tower, Orlando, Florida 32801, (407)245-0800

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss legislative issues relating to the practice of real estate.

Any person requiring a special accommodation at this workshop because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. and 4:00 p.m.) at least five calendar days prior to the workshop. If you are hearing or speech impaired, please call the Florida Real Estate Commission using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Florida **Emergency Medical Services Advisory Council** announces a telephone conference call to which all interested persons are invited to participate.

DATE AND TIME: August 27, 2004, 10:00 a.m. – 11:00 a.m. (EST)

PLACE: Florida Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399, via meet me number 1(800)647-7427

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council. Any other related issues will also be discussed.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Bureau of Emergency Medical Services, (850)245-4440, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For further information, write: Desi Lassiter, 4052 Bald Cypress Way, Bin #C18 (HEMS), Tallahassee, Florida 32399-4881, (850)245-4055.

P.O. # B00829

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: September 8, 2004, 6:30 p.m. – 8:30 p.m.

PLACE: (850)410-0960, Suncom 210-0960

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 **Board of Optometry**, Probable Cause Panel will hold a duly noticed telephone conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Friday, September 10, 2004, 8:45 a.m.

PLACE: The Omni Jacksonville Hotel, 245 Water Street, Jacksonville, FL 32202, (904)355-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Board of Optometry** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, September 10, 2004, 9:00 a.m.

PLACE: The Omni Jacksonville Hotel, 245 Water Street, Jacksonville, FL 32202, (904)355-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/optometry/op_home.html

The Florida **Board of Osteopathic Medicine** will hold the following meeting to which all persons are invited:

DATES AND TIMES: Friday, September 17, 2004, 5:00 p.m. or shortly thereafter; Saturday, September 18, 2004, 9:00 a.m. or shortly thereafter

PLACE: Tampa Hyatt Regency, 6200 Courtney Campbell Causeway, Tampa, FL 33607, (813)874-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System, 1(800) 955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Pharmacy**, Automation in Institutional Settings Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 8, 2004, 1:00 p.m.

PLACE: Tampa Marriott Westshore, 1001 N. Westshore Blvd., Tampa, FL 33607, (813)287-2555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss SB 1294 and other general business.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Garnet Keller, Program Administrator, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Pharmacy**, Internet Pharmacy Committee announces a public meeting to which all persons are invited.

DATE AND TIME: September 9, 2004, 8:00 a.m. – 12:00 Noon

PLACE: Tampa Marriott Westshore, 1001 N. Westshore Blvd., Tampa, FL 33607, (813)287-2555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss rules relating to the Internet Pharmacy Permit.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Garnet Keller, Program Administrator, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Pharmacy**, Rules Committee, announces a meeting to which all persons are invited.

DATE AND TIME: September 9, 2004, 1:00 p.m. – 5:00 p.m.

PLACE: Tampa Marriott Westshore, 1001 N. Westshore Blvd., Tampa, FL 33608, (813)287-2555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to conduct general business.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Danna Droz, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATE AND TIME: September 10, 2004, 8:00 a.m.

PLACE: Tampa Marriott Westshore, 1001 N. Westshore Blvd., Tampa, FL 33607, (813)287-2555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct disciplinary proceedings and general board business.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Danna Droz, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Psychology** announces a conference call of the board to which all persons are invited:

DATE AND TIME: September 17, 2004, 8:00 a.m. or soon thereafter

PLACE: (850)488-0979, Suncom 278-0979

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quorum meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the department: 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Athletic Training** announces a telephone conference call in which reconsiderations will be heard.

DATE AND TIME: September 23, 2004, 2:30 p.m. – 3:30 p.m.

PLACE: (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health**, Bureau of Chronic Disease Prevention will hold the following meeting:

MEETING: Florida Arthritis Partnership

DATE AND TIME: September 24, 2004, 8:30 a.m. – 4:30 p.m.

PLACE: Hilton Tampa Airport Westshore, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To bring together state, local, and regional decision makers and grassroots advocates who share the vision of the highest possible quality of life free from arthritis-related pain and disability. Participants will have the opportunity to network and share progress toward goals in arthritis prevention and education efforts in Florida. The meeting will include an overview of the Arthritis Prevention and Education Program activities to-date, upcoming marketing plans, presentations on arthritis topics, training on community mobilization, workshop on identifying gaps in membership and interventions, and prioritizing remaining future interventions.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services** announces the Initial Site Visit of the Peer Review Team for CBC Readiness Assessment in District 11 to which all interested persons are invited to participate.

DATES AND TIMES: Tuesday, September 14, 2004; Wednesday, September 15, 2004, 8:30 a.m. – 5:00 p.m. each day

PLACE: District 11 Offices, 401 N. W. 2nd Avenue, Suite N1007, Miami, FL 33128

Meeting times and dates are subject to change.

For further information contact: Peter D. Coats or Grace Curtis, (305)377-5055.

The Big Bend Community Based Care Alliance and the **Department of Children and Family Services**, Subdistrict 2B announce a meeting to which all persons are invited. The Alliance encompasses: Leon, Franklin, Gadsden, Liberty, Madison, Jefferson, Taylor and Wakulla counties.

DATE AND TIME: Wednesday, September 15, 2004, 2:30 p.m. – 4:30 p.m. (EST)

PLACE: Department of Children and Family Services, Cedars Executive Center, Building A, Second Floor Conference Room 201, 2639 North Monroe Street, Tallahassee, FL 32399-2949

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting to discuss child welfare services for Subdistrict 2B.

A copy of the agenda can be obtained by calling: Anissa Pitti, Department of Children and Family Services, (850)922-0408, Suncom 292-0408.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Anissa Pitti) at least 2 working days prior to the meeting at (850)922-0408 or 1(800)226-6223 (TDD).

The **Department of Children and Family Services**, District 12, Community Alliance CBC Taskforce announces the following public meeting to which all persons are invited.

DATE AND TIME: August 31, 2004, 1:00 p.m.

PLACE: United Way, 3747 W. International Speedway Blvd., Daytona Beach, Florida

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284 (Attn: Denise Kelly).

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (904)238-4648, at least 48 hours in advance of the meeting.

If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Public Awareness Committee

DATE AND TIME: Friday, September 3, 2004, 9:00 a.m. – 11:00 a.m.

PLACE: Via conference call at 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agenda and more information about how to attend the meeting contact: Heidi Rodriguez, (850)488-4952, Ext. 135, e-mail: hrodriguez@ounce.org.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

The **Florida Substance Abuse and Mental Health Corporation**, created by Ch. 2003-279, Laws of Florida, announces a Data Ad Hoc Committee Meeting to which all persons are invited.

DATES AND TIME: Friday September 3, 2004, 10:00 a.m. – 4:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting will be a workgroup session on behavioral health care state data collection as part of the charge given to the Florida SAMH Corporation by the 2003 and 2004 Legislatures. The Corporation, in order to proceed further in assessing the strengths and weaknesses of the publicly funded behavioral healthcare system, must gain a complete understanding of the behavioral healthcare data being collected by the State and Florida Mental Health Institute (FMHI).

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Amanda Sanford seven days prior to the meeting at Florida Department of Children and Family Services, Mental Health Program Office, Building 1, Room 206, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)410-1575

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a Rule Development Workshop to which all persons are invited to attend:

DATE AND TIME: Friday, September 10, 2004, 2:00 p.m., Eastern Time

PLACE: Florida Housing Finance Corporation, Formal Conference Room, Suite 5000, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to the (1) development of General Program Requirements that prescribe the procedures used for allocating Mortgage Credit Certificates and (2) ratification of universal terms, as well as, terms defined by the Florida Housing Finance Corporation when used in conjunction with the Mortgage Credit Certificate Program.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wallisa Cobb, Single Family Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

Any person requiring special accommodations at the Workshop because of a disability or physical impairment should contact David Draper, Florida Housing Finance Corporation, (850)488-4197, at least five days prior to the Workshop. If you are hearing or speech impaired, please contact the Florida

Housing Finance Corporation using the Florida Dual Party Relay System, 1(800)955-9770 (Voice) or 1(800)988-8711 (TDD). The original notice was published in the August 13 issue of the Florida Administrative Weekly.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: September 8, 2004, 10:00 a.m.

PLACE: Florida State Fire College Auditorium, 11655 Northwest Gainesville Road, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Florida Fire Code Advisory Council in which the Council will also consider proposed technical or other amendments to Rule Chapter 69A-60, F.A.C., relating to codes and standards for airport hangars.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodation to participate in this meeting, please contact Millicent King at 200 E Gaines Street, Tallahassee, FL 32399-0342 or call (850)413-3619, Fax (850)922-2553, at least five calendar days before the meeting for assistance.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

The **Florida Developmental Disabilities Council, Inc.** announces the following Partners in Transition workgroups meetings:

Family Involvement and Support Workgroup

DATE AND TIME: August 31, 2004, 9:00 a.m. – 10:30 a.m.

PLACE: Conference call

Connecting Activities Workgroup

DATES AND TIMES: September 7, 2004, 10:00 a.m. – 4:00 p.m.; September 8, 2004, 9:00 a.m. – 1:00 p.m.

PLACE: Tallahassee, Florida

Partners in Transition Advisory Group

DATE AND TIME: September 9, 2004, 10:00 a.m. – 4:00 p.m.

PLACE: Tallahassee, Florida

Preparatory Activities Workgroup

DATES AND TIMES: September 13, 2004, 11:00 a.m. – 5:00 p.m.; September 14, 2004, 9:30 a.m. – 3:00 p.m.

PLACE: Tampa, Florida

Youth Development and Leadership Workgroup

DATES AND TIMES: September 15, 2004, 9:30 a.m. – 4:00 p.m.; September 16, 2004, 8:00 a.m. – 12:00 p.m.

PLACE: Tallahassee, Florida

Career Preparation and Work-Based Learning Workgroup
 DATE AND TIME: September 30, 2004, 10:00 a.m. – 4:00 p.m.
 PLACE: Orlando, Florida
 DATES AND TIMES: October 11, 2004, 11:00 a.m. – 5:00 p.m.; October 12, 2004, 9:00 a.m. – 2:00 p.m.
 PLACE: Tampa, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: These meetings are related to the development of a statewide strategic plan on transition for students with disabilities.
 For more information please call or write: Tara Thompson, DARES/CFS/FMHI, University of South Florida, MHC 2113A, 13301 N. Bruce B. Downs Blvd., Tampa, FL 33612, (813)974-4581.
 If you need an accommodation because of a disability in order to participate, please notify Tara Thompson in writing at the above address at least seven days prior to the meeting.

VISIT FLORIDA

The **VISIT FLORIDA**, Board of Directors announces a public meeting as follows:
 MEETING: Sales Committee
 DATE AND TIME: Wednesday, September 1, 2004, 10:00 a.m.
 PLACE: VISIT FLORIDA, 661 East Jefferson Street, Suite 300, Tallahassee, FL 32301, (850)488-5607
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Update on 2005-2006 Sales Programs.
 For further information contact: Brenna M. Cawley, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 373.
 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).

The Florida Commission on Tourism announces a public meeting of the **VISIT FLORIDA** Board of Directors and the Florida Commission on Tourism as follows:
 MEETING: Executive Committee
 DATE AND TIME: Tuesday, September 14, 2004, 8:00 a.m. – 9:45 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss VISIT FLORIDA business and other updates.
 MEETING: New Product Development Council
 DATE AND TIME: Tuesday, September 14, 2004, 9:00 – 12:00 Noon

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will hear regional updates and other business as necessary.
 MEETING: Finance Committee
 DATE AND TIME: Tuesday, September 14, 2004, 10:00 a.m. – 11:45 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will review financial statements and other business as necessary.
 MEETING: Partner Development Committee
 DATE AND TIME: Tuesday, September 14, 2004, 1:00 p.m. – 3:00 p.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss old business and strategies for recruiting new Partners.
 MEETING: Marketing Steering Committee
 DATE AND TIME: Tuesday, September 14, 2004, 3:00 p.m. – 5:00 p.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss and review marketing strategies and other business as necessary.
 MEETING: Visitor Services Committee
 DATE AND TIME: Tuesday, September 14, 2004, 5:00 p.m. – 6:30 p.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss old business and hear updates on the Florida Welcome Centers.
 MEETING: VISIT FLORIDA Board of Directors Meeting
 DATE AND TIME: Wednesday, September 15, 2004, 9:00 a.m. – adjournment
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will discuss committee reports, on-going issues and other matters.
 MEETING: Florida Commission on Tourism
 DATE AND TIME: Wednesday, September 15, 2004, Upon adjournment of the Board of Directors meeting
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will ratify actions of the Board of Directors and discuss other matters as necessary.
 PLACE: PGA National Resort and Spa, 400 Avenue of the Champions, Palm Beach Gardens, FL 33418-3698, (561)627-2000
 For further information contact: Susan Gale, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 334.
 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).

COUNCIL FOR EDUCATION POLICY, RESEARCH AND IMPROVEMENT

The **Council for Education Policy, Research and Improvement** announces a public meeting.

DATES AND TIMES: Tuesday, September 7, 2004, 7:00 p.m. – 9:00 p.m.; continuing Wednesday, September 8, 2004, 8:30 a.m. – 3:30 p.m.

PLACE: Pensacola Junior College

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion on current assignments.

For further information, contact: Council office, (850)488-7894, Council website: www.cepri.state.fl.us.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

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

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

FLORIDA MUNICIPAL PENSION TRUST FUND

The **Florida Municipal Pension Trust Fund** announces a public meeting to which all persons are invited:

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Pension Trust Fund to discuss general business of the Trust.

A joint meeting of the Florida Municipal Pension Trust Fund and the Florida Municipal Investment Trust will also be held as follows:

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to receive reports from investment manager and performance monitor.

PLACE: Key West Hilton, 245 Front Street, Key West, Florida 33040-8313, (305)294-4000

A copy of the meeting agenda may be obtained by contacting: Jeannie Garner, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

The **Florida Municipal Investment Trust (FMIvT)** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, September 9, 2004, 2:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Investment Trust (FMIvT) to discuss general business of the Trust.

A joint meeting of the Florida Municipal Pension Trust Fund and the Florida Municipal Investment Trust will also be held as follows:

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to receive reports from investment manager and performance monitor.

PLACE: Key West Hilton, 245 Front Street, Key West, Florida 33040-8313, (305)294-4000

A copy of the meeting agenda may be obtained by contacting: Jeannie Garner, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

The **Florida Municipal Loan Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, September 9, 2004, 2:30 p.m. or immediately upon adjournment of FMIvT, which begins at 2:00 p.m.

PLACE: Key West Hilton, 245 Front Street, Key West, Florida 33040-8313, (305)294-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Board of Directors for the Florida Municipal Loan Council to discuss general business of the Council.

A copy of the meeting agenda may be obtained by contacting: Jeannie Garner, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meeting.

MEETING: Steering Committee

DATE AND TIME: Monday, September 13, 2004, 1:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Full Council Meeting

DATES AND TIME: Wednesday-Friday, September 15-17, 2004, 9:00 a.m. (EST)

PLACE: Hawthorne Suites, 7540 Augusta National Drive, Orlando, Florida 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council at 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or toll free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

TRAINING COUNCIL AND ASSESSMENT CENTER

The Region XII, **Training Council and Assessment Center** Board of Directors announces a public meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, September 14, 2004, 10:00 a.m.
PLACE: Palm Beach Community College, Criminal Justice Room 101, 4200 Congress Avenue, Lake Worth, FL 33461

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include but is not limited to: FDLE/CJSTC updates; Palm Beach Community College/ Criminal Justice Institute Assessment Center update; Region XII Budget Approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola, Secretary, Criminal Justice Institute, Palm Beach Community College, 4200 Congress Avenue, Lake Worth, FL 33461, (561)868-3403.

FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces an Audit Committee meeting to which all interested parties are invited to attend.

DATES AND TIMES: September 15, 2004, 11:00 a.m. (Eastern Time), recessing at 4:00 p.m. or as soon as business has been concluded

PLACE: Tampa Airport Marriott, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Audit Committee of the Florida Insurance Guaranty Association will meet to discuss the Department of Financial Services’ Operational Audit Report of the Florida Insurance Guaranty Association and other general audit issues of the committee.

A copy of the agenda may be obtained by contacting: Mr. Blaine Pinney, (904)398-1238.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate the meeting is asked to advise the Association by contacting Mr. Anthony Grippa, (850)386-9200, at least 48 hours before the session if the person wishes to participate. A person who is hearing or speech impaired may also contact the TDD, 1(800)955-1339.

The **Florida Insurance Guaranty Association** announces an Investment Committee meeting to which all interested parties are invited to attend.

DATES AND TIMES: September 16, 2004, 9:00 a.m. (Eastern Time), recessing at 1:00 p.m. or as soon as business has been concluded

PLACE: Tampa Airport Marriott, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Investment Committee of the Florida Insurance Guaranty Association will meet to discuss investment issues of the Association.

A copy of the agenda may be obtained by contacting: Mr. Blaine Pinney, (904)398-1238.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate the meeting is asked to advise the Association by contacting Mr. Anthony Grippa, (850)386-9200, at least 48 hours before the session if the person wishes to participate. A person who is hearing or speech impaired may also contact the TDD, 1(800)955-1339.

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office**, Board of Governors’ announces three meetings via teleconference to which all interested parties are invited:

EXECUTIVE COMMITTEE

DATES AND TIME: Friday, September 24, 2004; Tuesday, September 28, 2004, 10:00 a.m.

PLACE: Florida Surplus Lines Service Office, 1441 Maclay Commerce Drive, Ste. 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed 2005 Budget.

BOARD OF GOVERNORS

DATES AND TIME: Tuesday, September 28, 2004; Wednesday, September 29, 2004, 2:00 p.m.

PLACE: Florida Surplus Lines Service Office, 1441 Maclay Commerce Drive, Ste. 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed 2004 Budget.

A copy of the agenda may be obtained by sending a faxed request to: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting at (850)224-7676, Ext. 19.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on August 9, 2004, from The Assa Abloy Group regarding whether the components described in the petition are subject to Product Approval pursuant to subsection 9B-72.060(2), F.A.C.. It has been assigned the number DCA04-DEC-157.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

The Board of Pilot Commissioners hereby gives notice that it has received a Petition for Declaratory Statement filed on behalf of Palm Beach Harbor Pilots' Association. The Petitioner seeks the Board's interpretation of Section 310.0015(3)(a), Florida Statutes and Rule 61G14-15.001, subsections 61G14-15.003(1) and paragraph 61G14-15.004(1)(e) and (2), F.A.C., with regard to responsibility in the provision of piloting services to Cloud X,

a passenger cruise operation. The Board will consider this petition at its meeting, currently scheduled for October 7-8, 2004.

Copies of the petition may be obtained by writing: Anthony Spivey, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF STATE

PUBLIC NOTICE

The Division of Historical Resources announces that it is soliciting applications for State Grants-in-Aid assistance for historical museums projects.

An anticipated \$1,750,000 could be available to assist General Program Support and Public Educational Exhibit activities.

Solicitation begins Friday, October 1, 2004.

The deadline for filing applications is December 15, 2004. Applications must be delivered to the Governor John W. Martin House, 1001 DeSoto Park Drive, Tallahassee, Florida by 5:00 p.m. on that date or be clearly postmarked or show evidence of submission to an express mail service on or before that date.

Application forms and additional information may be obtained from: Grants Manager, Historical Museums Grants-In-Aid, Division of Historical Resources, 1001 DeSoto Park Drive, Tallahassee, Florida 32399-0250, (805)245-6486, website: <http://dhr.dos.state.fl.us/grants/museum/>.

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

The University of Central Florida, announces that construction management services will be required for the project listed below:

Project and Location: Library Expansion and Renovation, University of Central Florida, Orlando, Florida 32816-3020.

The project consists of: Remodeling and renovation of the existing Library, as well as new construction.

This facility will be in the planning phase in the fiscal year 2006. The contract for construction management services will consist of three phases. Phase one consists of program development and schematic design, for which the construction manager will not be compensated. Phase two will be pre-construction services which will be compensated at a flat fee of \$500,000.00. Phase three services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Documents. If the GMP is accepted, phase three, the construction phase, will be implemented. In phase three of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract. Selection of finalists for interviews will be made on the basis of construction manager qualifications,

including experience and ability; past experience; bonding capacity; cost estimating; qualification of the firm's personnel, staff and consultants. Finalists will be provided with a description of the final interview topics. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Carefully review the Construction Management Contract and General Conditions documents. Submitting a proposal for this project constitutes complete agreement with and acceptance of the terms and conditions contained within these documents. These documents can be found on our website at www.fp.ucf.edu with the advertisement.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed "Revised Construction Manager Qualifications Supplement" dated 02/02. Proposals must not exceed 40 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Gina Seabrook, Office of Facilities Planning, University of Central Florida, 4000 Central Florida Boulevard, Post Office Box 163020, Orlando, FL 32816-3020, (407)823-2166, Fax (407)823-5141, e-mail: gseabroo@mail.ucf.edu, website: www.fp.ucf.edu.

For information on these and the projects listed, please contact: Barry Baker, (407)823-2564

Four (4) bound copies of the required proposal data shall be submitted to: Mr. Peter Newman, Facilities Planning, 4000 Central Florida Blvd., Post Office Box 163020, Orlando, FL 32816-3020. Submittals must be received by 5:00 p.m., local time October 8, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

NOTICE TO CONSTRUCTION MANAGERS

The University of Central Florida announces that construction management services will be required for the project listed below:

Project No.: BR-401, Project and Location: Parking Garage V, University of Central Florida, Orlando FL 32816)

Project Description: Preconstruction services and construction of a four (4) level Parking Garage containing approximately 1600 spaces. The approximate dollar value of this project will be determined by the Construction Manager. The Parking Garage V project will be located on the University of Central Florida campus at the main gateway. The facility will be the fifth major parking structure of the UCF campus. The fifth parking garage will be of the same design as the as the other four and adapted to the new site. Funding for this project will be available from the sale of bonds.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; cost estimating; qualification of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard University of Central construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Carefully review the Construction Management Contract and General Conditions documents. Submitting a proposal for this project constitutes complete agreement with and acceptance of the terms and conditions contained within these documents. These documents can be found on our website at www.fp.ucf.edu with the advertisement.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed University of Central Florida "Construction Manager Qualifications Supplement." Proposals must not exceed 40 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The University of Central Florida Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Gina Seabrook, Office of Facilities Planning, University of Central Florida, 4000 Central Florida Boulevard, Post Office Box 163020, Orlando, FL 32816-3020, (407)823-2166, Fax (407)823-5141, e-mail: gseabroo@mail.ucf.edu, website: www.fp.ucf.edu.

Four (4) bound copies of the required proposal data shall be submitted to: Mr. Peter Newman, Facilities Planning, 4000 Central Florida Blvd., Post Office Box 163020, Orlando, FL 32816-3020. Submittals must be received by 5:00 p.m., local time October 7, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

ADVERTISEMENT FOR BIDS

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 2:00 p.m., local time, on September 13, 2004 for the purpose of selecting a supplier to provide Exhaust Hoods/Air Units Clean and Service per the bid specifications for:

Exhaust Hoods/Air Units: Clean and Service
Bid 05-931-502

The purpose and intent of this Invitation to Bid is to select a bidder capable of providing all labor, materials and parts to service, clean and inspect Cafeteria Exhaust Hood Equipment

and Fresh Air Units at various locations, on an as needed and scheduled basis, county-wide, per specifications and to secure firm, net pricing for the contract period as specified herein.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Plans and specifications are available at the office of:

Purchasing Department
 Walter Pownall Service Center
 11111 So. Belcher Road
 Largo, FL 33773

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

J. HOWARD HINESLEY SUPERINTENDENT OF SCHOOLS AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD	JANE GALLUCCI CHAIRMAN MARK C. LINDEMANN DIRECTOR, PURCHASING
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DEPARTMENT OF TRANSPORTATION

NOTICE OF BID/PROPOSAL OPPORTUNITY

The Florida Department of Transportation, District 6 announces the following project:

BID/PROPOSAL NUMBER:
 E-6C11/RFP-DOT-04/05-6068DS
 FINANCIAL PROJECT NUMBER: 414675-1-52-01 / 414675-2-52-01

MBE/DBE RESERVATION OR PREFERENCE: NONE
 DEADLINE FOR SUBMITTAL OF PRE-QUALIFICATION REQUIREMENTS: September 20, 2004, 5:00 p.m.
 BID/PROPOSAL DUE DATE AND TIME: October 7, 2004, 2:00 p.m.

SCOPE OF SERVICES: Sealed written proposals are requested from Licensed General Building Contractors and Professional Architectural Engineers for a Design-Build Facility for the third phase of the North Dade Maintenance Yard located at 1773 Northeast 205th Street, North Miami Beach, Florida 33179.

MANDATORY PRE-BID/PRE-PROPOSAL MEETING: September 16, 2004, at 2:00 p.m. at the reception area for the North Dade Maintenance Yard located at 1773 Northeast 205th Street, North Miami Beach, Florida 33179.

MANDATORY SITE INSPECTION MEETING: The Mandatory Site Inspection will be immediately following the Mandatory Pre-Bid/Proposal Meeting on September 16, 2004. Bid/Proposal documents will only be issued to Proposers who have been pre-qualified by the District Six Procurement Office and who have attended the Mandatory Pre-Bid/Proposal Meeting and the Mandatory Site Inspection Meeting.

MINIMUM QUALIFICATIONS: Proposers must submit their qualifications prior to the deadline of September 20, 2004, 5:00 p.m. However Proposers are urged to submit qualifications prior to the Mandatory Pre-Proposal Meeting so that Letters of Pre-Qualification shall be available for pick up at the Mandatory Pre-Proposal Meeting. Letters of Pre-qualification will only be issued to qualified Proposers. Each Proposer whose field is governed by Chapters 399, 455, 489 and 633, Florida Statutes, for Licensure or Certification must submit Pre-qualification data of their eligibility to submit Proposals prior to the Proposal Opening Date. After the Proposal Opening, the low Bidder/Proposer must qualify in accordance with Rule 60D-5.004, Florida Administrative Code. A copy of the rule requirements is included in the Bid/Proposal Package. Each Bidder/Proposer must be pre-qualified by the District Six Procurement Office prior to the issuance of bid/proposal forms. To pre-qualify each Bidder/Proposer must submit a copy of the appropriate Contractor's License(s) as required by the state for the type(s) of work to be proposed and a copy of the State Corporate Charter issued by The Department of State, Division of Corporations if the firm is a corporation.

BID/PROPOSAL GUARANTY BOND: if the bid amount is less than one hundred thousand dollars (\$100,000.00) no bid guaranty is required, however, if the bid amount exceeds one hundred thousand dollars (\$100,000.00), a five percent (5%) bid guaranty of the bid amount must accompany the bid proposal, or the bid shall be deemed non-responsive and rejected. The bid guaranty shall be in the form of a certified check, cashier's check, treasurer's check, bank draft, or bid bond made payable to the Florida Department of Transportation. Bidders/Proposers shall refer to section A-24 of the Fixed Capital Outlay specifications for clarification of the bid guaranty amount.

PERFORMANCE BOND AND LABOR AND MATERIALS BOND: If the construction contract award amount is one hundred thousand dollars (\$100,000.00) or less, a Performance Bond or a Labor and Material Payment Bond are not required. If the contract sum exceeds one hundred thousand dollars (\$100,000.00) a Performance Bond of one hundred percent (100%) and Labor and Materials Bond of one hundred percent (100%) shall be required. If increases are made to the original contract sum, the contractor shall also furnish the Florida Department of Transportation (FDOT) with additional bonding equivalent to the increases Bidders/Proposers shall refer to section A-25 of The Fixed Capital Outlay Specifications for clarification of the Performance Bond and Labor and Materials Bond amount and the provisions surety companies are required to comply with. If A Performance Bond and Labor and Materials Bond is required the bidder must submit along with their sealed Technical Proposal a letter from a surety company (who meets the requirements stated above) stating their intent to provide a one hundred percent (100%) Performance Bond and a one hundred percent (100%) Labor and Materials Bond.

EVALUATION CRITERIA:

TECHNICAL PROPOSAL: (100 Points Maximum) WILL CONSIST OF THE FOLLOWING:

- 1. Experience & Qualifications of Proposing Firm & Personnel Assigned to this Project: 40 points
- a) Administration and Management: 15 points
- b) Identification of Key Personnel: 10 points
- c) Business History/Experience of the Consultant: 15 points
- 2. Plans and Specifications: 40 points
- 3. Warranty 10 points
- 4. Contract Time 10 points

PRICE PROPOSAL: (65 Points Maximum)

REQUESTING BID/PROPOSAL DOCUMENTS: Requests for Plans, Specifications and/or Bid/Proposal Documents should be directed to Nancy Kay Lyons, District Contracts Administrator, Department of Transportation District 6, Procurement Services Office, 1000 Northwest 111th Avenue, Room #6210, Miami, Florida 33172, Fax (305)470-5717. Projects may also be requested via Internet e-mail, via the Infifax System or on the District Six Website. For Internet e-mail requests please send your request to d6.contracts@dot.state.fl.us. If you have been provided an Infifax access number, please dial (305)470-5871 and follow the prompts to order a bid/proposal package. Enter the document number 6068; the Bid/Proposal package will be mailed within 48 hours. Please visit the District Six website at www.dot.state.fl.us/contractsadministrationdistrict6 for a copy of the District Six Bid Request Form.

OPENING OF THE TECHNICAL AND PRICE PROPOSALS: Sealed Technical Proposals will be opened by the Department's Procurement Services Office personnel, in the Florida Department of Transportation, District Six, Main Building, Conference Room 6207, 1000 Northwest 111th Avenue, Miami, Florida 33172 on October 7, 2004, after receipt of Proposals. Price proposals for Proposers who have been awarded seventy (70) or more points on their scores for the Technical Proposals will be opened in the Florida Department of Transportation, District Six, Main Building, Conference Room 6207, 1000 Northwest 111th Avenue, Miami, Florida 33172 on October 28, 2004, at 2:00 p.m.

POSTING INFORMATION: Unless otherwise notified in writing the notice of intent to award will be posted on the District Six website at www.dot.state.fl.us/contractsadministrationdistrict6 as well as on the Florida vendor bid system at www.myflorida.com. (click on "business", click on "doing business with the state," under "everything for vendors and customers," click on "vendor bid system (vbs)", on November 4, 2004, at 4:00 p.m. and will remain posted for a period of seventy-two (72) hours.

The notice of intent to award will also be posted at the Florida Department of Transportation, Procurement Services Office, 1000 Northwest 111th Avenue, Miami, Florida 33172, on November 4, 2004, at 4:00 p.m. If the Department is unable to

post as defined above, the Department will notify all Bidders/Proposers by mail, FAX and/or telephone. The Department will provide written notification of any future posting in a timely manner.

BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS: Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within ten (10) days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Sections 120.569 and 120.57, Florida Statutes. The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, MS 58, Room 550, General Counsel's Office, Tallahassee, Florida 32399-0458.

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

THE DEPARTMENT RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS/PROPOSALS RECEIVED.

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 CORRECTION

ADVERTISEMENT FOR BID

PROPOSALS ARE REQUESTED FROM QUALIFIED "General/Painting" CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF:

PROJECT NO: BE-47

SAMAS CODE:

PROJECT NAME & LOCATION: Jefferson Correctional Institution, 1050 Big Joe Road, Monticello, Florida 32344

FOR: Painting and refurbishment of 200,000 gallon elevated storage tank

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required.

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.

PREQUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 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 17, 2004, Until 3:00 p.m. Local time

PLACE: Tank Engineering and Management Consultants, Inc., 5808 Breckenridge Pkwy, Suite A, Tampa, Florida 33610

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER: Tank Engineering and Management Consultants, Inc., 5808 Breckenridge Pkwy, Suite A, Tampa, Florida 33610, **TELEPHONE:** (813)620-2022
A **MANDATORY** Pre-Bid Conference will be held on September 10, 2004 at 1:00 p.m. at the Jefferson Correctional Institution's Administration Conference Room.

Drawings and specifications may be purchased for \$50.00 per set from the Architect/Engineer.

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 CONSULTANTS

The Orlando-Orange County Expressway Authority requires the services of a consultant in connection with Construction Engineering and Inspection (CEI) services. Shortlist consideration will be given to only those firms who are qualified pursuant to law and who have been prequalified by FDOT to perform the indicated Types of Work.

TYPES OF WORK: Group 10.1, Roadway Construction Engineering and Inspection, Group 10.2, Major Bridge Construction Engineering Inspection, and Group 10.3, Construction Materials Inspection.

DESCRIPTION: The work consists of providing CEI services for a variety of Authority projects including, but not necessarily limited to, landscaping construction, fence construction, signing construction, roadway lighting construction, drainage modifications/construction, utility construction, and toll facility renovations/modifications.

LETTERS OF INTEREST SUBMITTAL REQUIREMENTS: Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

1. Experience – Details of specific experience for at least three (3) projects, similar to those described above that involve construction on limited access highways, completed by the consultant's Project Manager and other key project team members including the name of client contact person, telephone number, and physical address;
2. Personnel Experience – Resumes of the consultant's proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have a minimum of five (5) years of specific experience in CEI projects;
3. Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;
4. Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
5. Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

SELECTION/NEGOTIATIONS: The Authority may shortlist up to five (5) firms based on its evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation or interview. The Authority will provide the shortlisted firms with a comprehensive outline of the Scope of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority's Consultant Recommendation Committee based on the Technical Proposal and oral presentations/interview. As part of its evaluation process, the Committee will also consider the consultant's willingness to meet time requirements, consultant's projected workload, and consultant's use of Minority/Women Owned Businesses.

CODE OF ETHICS: All consultants selected to work with the Authority are required to comply with the Authority's Code of Ethics, a copy of which may be obtained by contacting the Authority.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

MINORITY / WOMEN / DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: Minority / Women / Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award by the Authority.

NON-SOLICITATION PROVISION: From the first date of publication of this notice, no person may contact any Authority Board Member, Officer or Employee or any selection committee member, with respect to this notice or the services to be provided, except as related to the Submittal Requirements detailed above. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

LETTER OF RESPONSE DEADLINE:

September 16, 2004, 3:00 p.m., Orlando local time

AUTHORITY CONTACT PERSON:

Ben Dreiling, P.E.
Director of Construction

LETTER OF RESPONSE ADDRESS:

Orlando-Orange County Expressway Authority
525 S. Magnolia Avenue
Orlando, FL 32801
Re: Miscellaneous CEI Services

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 an amendment to the solicitation of applications for the Challenge Grant, and the Homeless Housing Assistant Grant programs to lead agencies for homeless assistance continuums of care. The amendment modifies the deadline for submission of applications as a result of the impact of Hurricane Charley.

The deadline for the submission of the Challenge Grant is revised and shall be Thursday, October 21, 2004, at 5:00 p.m.

The deadline for the submission of the Homeless Housing Assistance Grant shall now be Thursday, November 4, 2004, at 5:00 p.m.

Applications for those grants shall be submitted to the Department of Children and Family Services, Office on Homelessness, Building 2, Room 103, 1317 Winewood Blvd., Tallahassee, FL 32399-0700.

For more information, contact: Tom Pierce, Executive Director, Office on Homelessness, (850)922-4691.

FISH AND WILDLIFE CONSERVATION COMMISSION

**NOTICE TO PROFESSIONAL CONSULTANTS
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL
SERVICES FOR ENGINEERING**

The Florida Fish and Wildlife Conservation Commission (FWC) announces that professional services in the discipline of civil/geotechnical engineering with specific expertise in the beneficial uses of fine-grained and organic bearing dredged sediments will be required for the project listed below.

PROJECT NUMBER: FWC 04/05-17

PROJECT NAME: Dredged Sediments Beneficial Uses

PROJECT LOCATION: Central Florida

SERVICES TO BE PROVIDED: The Design Professional is expected to schedule services and study phases (preliminary and final), request additional services (such as soil borings, surveys, testing, permits, etc...) as necessary to achieve his responsibilities.

RESPONSE DUE DATE: September 3, 2004, 3:00 p.m. (EDT)

To request a complete Request For Statement OF Qualifications, contact the Commission Engineer:

Mahmoud Madkour, Ph.D., P.E.
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, Florida 32399-1600
Tel: (850)488-5531
Fax: (850)921-1750
email: mahmoud.madkour@myfwc.com

Section XII
Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
In re: MONROE COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY
MONROE COUNTY
ORDINANCE NO. 018-2004

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On July 9, 2004, the Department received for review Monroe County Ordinance No. 018-2004 which was adopted by the Monroe County Board of County Commissioners on June 16, 2004 ("Ord. 018-2004"). The purpose of Ord. 018-2004 is to designate conservation and natural area boundaries and adopt an interim moratorium deferring ROGO and NROGO allocations in certain conservation and natural areas. The moratorium applies to areas within the conservation and natural area boundaries that contain tropical hardwood hammocks and pinelands and is effective for 12 months or until certain comprehensive plan amendments and land development regulations are adopted.

3. Ord. 018-2004 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 018-2004 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 018-2004 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

(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. 018-2004 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 018-2004 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

/s/

Valerie J. Hubbard, Director
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE.

A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 18th day of August, 2004.

/s/ _____
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Murray Nelson
Mayor of Monroe County
500 Whitehead Street, Suite 102
Key West, Florida 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

By Hand Delivery or Interagency Mail:
 Rebecca Jetton, ACSC Administrator, DCA Tallahassee
 Timothy E. Dennis, Assistant General Counsel, DCA Tallahassee

STATE OF FLORIDA
 DEPARTMENT OF COMMUNITY AFFAIRS
 In re: A LAND DEVELOPMENT REGULATION
 ADOPTED BY ISLAMORADA,
 VILLAGE OF ISLANDS
 ORDINANCE NO. 04-04

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On July 1, 2004, the Department received for review Islamorada, Village of Islands Ordinance No. 04-04 which was adopted by the Village Council on June 24th, 2004 ("Ord. 04-04"). The purpose of Ord. 04-04 is to amend the official zoning map from multi-family attached (MF) to Recreation (R) for property described as Lot 11, Plantation Key or Long Island.
3. Ord. 04-04 is consistent with the Village 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. Islamorada, Village of Islands 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. 04-04 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. 04-04 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.

(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties

(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. 04-04 is not inconsistent with the remaining Principles. Ord. 04-04 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 04-04 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.

/s/
 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 18th day of August, 2004.

/s/ _____
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Chris Sante, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Nina Boniske, Esq.
Nancy Stroud, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
3107 Stirling Drive, Suite 300
Fort Lauderdale, Florida 33312-8500

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator
Timothy E. Dennis, Assistant General Counsel

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA,
VILLAGE OF ISLANDS
ORDINANCE NO. 04-05

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003),

approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.

2. On July 1, 2004, the Department received for review Islamorada, Village of Islands Ordinance No. 04-05 which was adopted by the Village Council on June 24th, 2004 (“Ord. 04-05”). The purpose of Ord. 04-05 is to amend the official zoning map from residential estate (RE) to multi-family attached (MF) for property described as part of Tract 5 and a part of Captain’s Cove Basin (1.6 acres) of Matecumbe Sandy Beach Subdivision, Lower Matecumbe Key.

3. Ord. 04-05 is consistent with the Village 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. Islamorada, Village of Islands 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 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 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 is not inconsistent with the remaining Principles. Ord. 04-05 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 04-05 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.

/s/ _____
 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.

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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 18th day of August, 2004.

/s/ _____
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Chris Sante, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

John Herin, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
2665 South Bayshore Drive
Miami, FL 33133

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator
Timothy E. Dennis, Assistant General Counsel

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA,
VILLAGE OF ISLANDS
ORDINANCE NO. 04-06

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On July 1, 2004, the Department received for review Islamorada, Village of Islands Ordinance No. 04-06 which was adopted by the Village Council on June 24th, 2004 ("Ord. 04-06"). The purpose of Ord. 04-06 is to establish a moratorium on the acceptance of development permit applications that seek development approval on a parcel that would include clearing of any areas classified as high quality hammock.

3. Ord. 04-06 is consistent with the Village 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. Islamorada, Village of Islands 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. 04-06 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. 04-06 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.

(c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

(f) To enhance natural scenic resources, promote aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.

(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. 04-06 is not inconsistent with the remaining Principles. Ord. 04-06 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 04-06 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.

/s/

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.

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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 18th day of August, 2004.

/s/
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Chris Sante, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Nina Boniske, Esq.
Nancy Stroud, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
3107 Stirling Drive, Suite 300
Fort Lauderdale, Florida 33312-8500

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator
Timothy E. Dennis, Assistant General Counsel

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

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, General Motors Corporation, intends to allow the establishment of Falls Pontiac-GMC, Inc., as a dealership for the sale of Buick automobiles, at 13401 South Dixie Highway, Miami, (Miami-Dade County), Florida 33166, on or after September 20, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Falls Pontiac-GMC, Inc. are dealer operator: Lomberto L. Perez, 13401 South Dixie Highway, Miami, Florida 33166; principal investor(s): Lomberto L. Perez, 13401 South Dixie Highway, Miami, Florida 33166 and Motors Holding, 117 Great Oaks Way, Alpharetta, Georgia 30022.

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: William Affeldt, Dealer Organization Manager, General Motor Corporation, Dealer Contractual Group, Mail Code 482-A07-C66, 100 GM Renaissance Center, Detroit, Michigan 48265-1000.

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 American Suzuki Motor Corporation, intends to allow the establishment of ARS Power Sports, Inc., d/b/a Riders Edge Suzuki, as a dealership for the sale of Suzuki motorcycles, at 4163 US Highway 27 South, Sebring, Highlands County), Florida 33870-5516, on or after September 30, 2004.

The name and address of the dealer operators and principal investors of ARS Power Sports, Inc., d/b/a Riders Edge Suzuki are: F. Alan Nelson, 2518 SW 22 CR, Okeechobee, Florida 34974 and Stephen L. Mitchum, 606 14th Street, Okeechobee, Florida 32025.

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: Steve Bortolamedi, Dealer Network Manager, American Suzuki Motor Corporation, P.O. Box 1100, Brea, California 92822-1100.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED

DECISIONS ON EXPEDITED APPLICATIONS

The Agency For Health Care Administration made the following decisions on

Certificate of Need applications for expedited review:

County: Palm Beach Service District: 9
CON: # 9799 Decision Date: 6/23/2004 Decision: A
Facility/Project: Chatsworth at PGA National
Applicant: Devonshire Associates, Ltd.
Project Description: Add 19 sheltered nursing home beds
Approved Cost: \$68,945

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

CERTIFICATE OF NEED EXEMPTIONS

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Dade District: 11
ID # 0400007 Decision: A Issue Date: 8/16/2004
Facility/Project: Mount Sinai Medical Center & Miami Heart Institute
Applicant: Mount Sinai Medical Center of Florida, Inc.
Project Description: Add 10 comprehensive medical rehabilitation beds
Proposed Project Cost: \$233,750

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 August 11, 2004 John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Beth Ann Wellman, R.N. license number RN 1882292. 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 August 13, 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 Debbra Gardner, R.N., license number RN 2569782. 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 August 16, 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 certificate of Victor S. Landrigan, C.N.A., certificate number CNA 0394****6128. 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 August 16, 2004 John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license and certificate of Renee Polowski, R.N., license number RN 1804352. 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 August 16, 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 Christopher R. Chicchetti, D.C., license number CH 6112. 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 August 16, 2004 John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license and certificate of Lisa A. Campbell-Eaton, L.P.N., license number PN1018311. 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., September 17, 2004):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: BankTrust of Florida, Wewahitchka, Florida 32465
Proposed Purchaser: Vision Bancshares, Inc., 2201 West 1st Street, Gulf Shores, Alabama 36542
Received: August 12, 2004

APPLICATION TO MERGE

Constituent Institutions: BankTrust of Florida, Wewahitchka, Florida and Vision Bank, FSB, Panama City, Florida
Resulting Institution: BankTrust of Florida
With Title Of: Vision Bank
Received: August 12, 2004

The Office of Financial Regulation has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at http://www.dbf.state.fl.us/banking/cu_expansion.html.

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Flag Credit Union, 3115 Conner Boulevard, Tallahassee, Florida 32311
Expansion Includes: Two Select Employee Groups
Received: August 12, 2004
Name and Address of Applicant: Power 1 Credit Union, 2020 N. W. 150th Avenue, Pembroke Pines, Florida 32028
Expansion Includes: Geographic Area
Received: August 11, 2004

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Office of Financial Regulation, on July 16, 2004, issued a Notice of Intent to Enter a Final Order Approving Recovery from the Securities Guaranty Fund and Notice of Rights in Administrative Proceeding No. 0085-S-12/03 to First Liberty Investment Group, Inc., CRD #3536. Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301, or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk
Department of Financial Services
Office of Financial Regulation
Suite 526, Fletcher Building
200 East Gaines Street
Tallahassee, Florida 32399-0379

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE OFFICE WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN August 9, 2004
 and August 13, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF TRANSPORTATION

14-78.001	8/11/04	8/31/04	30/20	
14-78.0011	8/11/04	8/31/04	30/20	
14-78.002	8/11/04	8/31/04	30/20	
14-78.003	8/11/04	8/31/04	30/20	
14-78.004	8/11/04	8/31/04	30/20	
14-78.005	8/11/04	8/31/04	30/20	30/29
14-78.007	8/11/04	8/31/04	30/20	
14-78.0071	8/11/04	8/31/04	30/20	
14-78.008	8/11/04	8/31/04	30/20	
14-78.0081	8/11/04	8/31/04	30/20	
14-78.009	8/11/04	8/31/04	30/20	

STATE BOARD OF ADMINISTRATION

19-8.010	8/9/04	8/29/04	30/28	
19-8.029	8/9/04	8/29/04	30/28	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

61B-17.002	8/10/04	8/30/04	30/21	
61B-17.005	8/10/04	8/30/04	30/21	
61B-17.006	8/10/04	8/30/04	30/21	

DEPARTMENT OF HEALTH

Board of Optometry

64B13-5.003	8/9/04	8/29/04	30/21	30/29
64B13-6.001	8/9/04	8/29/04	30/22	
64B13-11.001	8/9/04	8/29/04	30/3	30/16
64B13-11.004	8/9/04	8/29/04	30/3	30/16

Division of Family Health Services

64F-20.001	8/11/04	8/31/04	30/27	
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-1.716	8/10/04	8/30/04	30/22	
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