

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE TITLE:

Division of Cultural Affairs

RULE NO.:

IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment will be to establish in rule the description of the Division’s fellowship grant program and its specific eligibility and evaluation criteria.

SUBJECT AREA TO BE ADDRESSED: Fellowship grant program description.

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b),(d), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609, 265.701(4), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-603, 265.605-606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS.

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

TIME AND DATE: 9:00 a.m., December 8, 2004

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, FL

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 2nd day of December 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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Erin Long or Morgan Barr, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301, (850)245-6470

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

IT-1.001 Division of Cultural Affairs.

The purpose of the rule is to establish administrative procedures for all Division of Cultural Affairs (Division) activities.

(1) through (17) No change.

(18) Fellowship Program. This program is designed to recognize the creation of new artworks by individuals of exceptional talent and demonstrated ability. Fellowship awards support the general artistic and career advancement of the individual artist.

(a) To be eligible for a fellowship, an applicant must:

1. Be a legal resident of Florida, as defined by Section 196.015, Florida Statutes, or Section 22.17, Florida Statutes, and agree to maintain Florida residency for the duration of the fellowship period;

2. Be at least 18 years of age;

3. Not to be enrolled in any undergraduate or graduate degree-seeking program during the fellowship period;

4. Have not received a fellowship award during the five-year period preceding the new award period;

5. Not serve as a grant review panelist if he/she has an application before the same discipline panel.

(b) Eligible applicants must submit a completed Fellowship Application Form (CA2E012, eff. ~~8/02~~, incorporated by reference and available from the Division) with all required samples of work in the discipline appropriate formats described in the program guidelines, on or before the announced postmark deadline. Samples of work must be original and authentic representations of the applicant’s work.

(c) The panel reviews for the disciplines of dance, interdisciplinary, media arts, and folk arts are based on a combined rating of the following criteria: the quality and consistency in the body of work, as evidenced by each applicant’s submission samples, professional achievements, reputation, and peer support and respect as evidenced through the application form and support materials. Folk art applicants are also evaluated on the traditionality of the art form.

(d) Samples of work submitted by applicants by applicants in the visual arts and crafts, music, literature, and theatre categories are initially evaluated through a blind review process, which means that examples of the applicants work are presented to the panelists without revealing the applicant’s identity.

(e) During the first phase of all panel reviews the applications are rated on a scale of 1 to 10. Only applications ranked 8 or higher are eligible to be considered for fellowship awards ~~or honorable mention~~ during the second phase of review.

(f) Fellowship awards not to exceed of \$5,000 each are made based on the panel’s recommendations. Funds are available through a grant agreement on a non-matching basis.

(19) through (20) No change.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609(1),(4),(6), 265.701(4), 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-.56, 265.601-.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS. History—New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03. _____

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Pupil Progression Plan and Requirements for Graduation
 RULE NO.: 6D-7.006

PURPOSE AND EFFECT: This rule establishes the Board of Trustees’ approval of the revised Pupil Progression Plan and Requirements for Graduation for students at the Florida School for the Deaf and the Blind in compliance with State Board of Education Rules and Section 1003.49, F.S.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Pupil Progression Plan and Requirements for Graduation.

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

LAW IMPLEMENTED: 1002.36(4), 1003.49 FS.

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

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

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

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

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Community Release Programs
 RULE NO.: 33-601.602

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

SUBJECT AREA TO BE ADDRESSED: Community release.

SPECIFIC AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.602 Community Release Programs.

(1) No change.

(2) Inmate Conduct While On Community Release.

(a) through (c) No change.

(d) The work release center classification officer shall complete a Personalized Program Plan for Work Release Centers, Form DC6-118A, on all inmates assigned to the work release center within 14 days of receipt of the inmate at the center. Form DC6-118A is incorporated by reference in subsection (16) of this rule. The completed personalized program plan shall be signed by the inmate, the classification officer and the correctional officer major. Once the personalized program plan is signed, it shall be given to the staff member assigned to work with the inmate. Any changes in the personalized program plan shall be discussed with the inmate and shall be documented on Form DC6-118B, Personalized Program Plan – Modification Plan. Form DC6-118B is incorporated by reference in subsection (16) of this rule. The inmate’s progress towards achieving the goals of the personalized program plan shall be reviewed bi-weekly with the inmate. The outcome of each review shall be documented on Form DC6-118C, Personalized Program Plan – Biweekly ~~Monthly~~ Progress Review. Form DC6-118C is incorporated by reference in subsection (16) of this rule. Staff are authorized to schedule subsequent progress reviews upon request of the inmate.

(e) No change.

(3) through (9) No change.

(10) Disbursement of Earnings.

(a) through (k) No change.

(l) Any requests for special withdrawal shall be completed on Form DC2-304, Special Withdrawal. Form DC2-304 is incorporated by reference in Rule 33-203.201, F.A.C. ~~The effective date of this form is 5-7-00.~~

(11) through (15) No change.

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

(a) through (f) No change.

(g) DC6-118C, Personalized Program Plan – Biweekly ~~Monthly~~ Progress Review, effective _____ ~~9-2-04~~.

(h) through (j) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History—New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, _____.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE CHAPTER TITLE: Environmental Resource and Works

RULE CHAPTER NO.: 40B-4

of the District Permits

40B-4

RULE TITLE: Unlawful Use of Works of the District

RULE NO.: 40B-4.3040

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-4, Florida Administrative Code, based on the regulatory experience of the District and input from local law enforcement and county officials. The effect of the proposed rule amendments will allow for more effective enforcement of the rule.

SUBJECT AREA TO BE ADDRESSED: These proposed amendments will address the enforcement of unlawful use of Works of the District.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 120.60, 373.084, 373.085, 373.086 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only)

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems

RULE NO.: 40C-400.500

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to update the silviculture noticed general permit rule to incorporate by reference the latest version of the *Silviculture Best Management Practices Manual* (2003) published by the Division of Forestry, Florida Department of Agriculture and Consumer Services.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would revise paragraph 40C-400.500(5)(h), F.A.C., to incorporate by reference the latest version of the *Silviculture Best Management Practices Manual* (2003) published by the Division of Forestry, Florida Department of Agriculture and Consumer Services.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 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., December 3, 2004

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 3217-2529, (386)329-4459, Suncom 860-4459, e-mail: nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-400.500 General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems.

(1) through (4) No change.

(5) In order to qualify for this general permit, the systems identified in subsection (4) of this section must meet the following performance standards:

(a) through (g) No change.

(h) In addition to the performance standards set forth in paragraphs (a)-(g) above, the applicant, in undertaking the activities authorized herein, must utilize the best management practices set forth in “Silviculture Best Management Practices Manual” (2003 ~~1993~~), which is hereby incorporated by reference, published by the Division of Forestry, Florida Department of Agriculture and Consumer Services.

(i) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 1-11-99,

DEPARTMENT OF THE LOTTERY

RULE TITLE: Attendance and Leave RULE NO.: 53-20.005

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to set forth the provisions for the disposition of annual leave credits upon the transfer of an Executive Management Service member to a position in state government outside the Lottery.

SUBJECT AREA TO BE ADDRESSED: Executive Management Service attendance and leave.

SPECIFIC AUTHORITY: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

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

Board of Professional Surveyors and Mappers

RULE TITLES: Definitions RULE NOS.: 61G17-6.002

General Survey, Map, and Report Requirements 61G17-6.003

Specific Survey, Map, and Report Requirements 61G17-6.004

PURPOSE AND EFFECT: To update the definitions of terminology used by Professional Surveyors and Mappers. Also, to update the Minimum Technical Standards for General Survey, Map, and Report Requirements. Also, to update the Minimum Technical Standards for Specific Survey, Map, and Report requirements.

SUBJECT AREA TO BE ADDRESSED: Definitions; General Survey, Map, and Report Requirements; Specific Survey, Map, and Report Requirements.

SPECIFIC AUTHORITY: 472.008, 472.027, 472.015 FS.

LAW IMPLEMENTED: 472.027 472.015, 472.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 61G17-6.002 follows. See Florida Administrative Code for present text.)

61G17-6.002 Definitions.

As used in this chapter, the following terms have the following meanings:

(1) Benchmark: a relatively permanent material object, natural or artificial, bearing a marked point whose elevation above or below an adopted datum plane is known.

(2) Corner: a point on a land boundary that designates a change in direction, for example: points of curvature, points of tangency, points of compound curvature and so forth.

(3) Geodetic: a survey or mapping process that takes into account the curvature of the earth and astronomic observations, and which results in positions expressed on a recognized datum.

(4) Map of Survey (or Survey Map): a graphical or digital depiction of the facts of size, shape, identity, geodetic location, or legal location determined by a survey. The term “Map of Survey” (Survey Map) includes the terms: Sketch of Survey, Plat of Survey, or other similar titles. “Map of Survey” or “Survey Map” may also be referred to as “a map” or “the map.”

(5) Monument: an artificial or natural object that is permanent or semi-permanent, and used or presumed to occupy any real property corner, point on a boundary line, or reference point.

(6) Ortho-Images/Photos: an image from which distortions due to tilt and ground relief have been removed.

(7) Photogrammetric Methods: a means of surveying and mapping that involves: making precise measurements from a combination of ground control, photographs and other sources of imagery, to document, within pre-ordained accuracies, the existence, the identity, the location and the size of selected features.

(8) Raster Images: a matrix of pixels whose values represent the level of energy reflected or emitted by the surface being photographed, scanned, or otherwise sensed. Each pixel contains an attribute value and a coordinate value in a recognized coordinate system.

(9) Reference Point: any defined position that is or can be established in relation to another defined position.

(10) Survey: the orderly process of determining facts of size, shape, identity, geodetic location, or legal location by viewing and applying direct measurement of features on or near the earth's surface using field or image methods; defined as follows according to the type of data obtained, the methods used, and the purpose(s) to be served:

(a) As-Built Survey: a survey performed to obtain horizontal and/or vertical dimensional data so that constructed improvements may be located and delineated; also known as a Record Survey.

(b) Boundary Survey: a survey, the primary purpose of which is to document the perimeters, or any one of them, of a parcel or tract of land by establishing or re-establishing corners, monuments, and boundary lines for the purposes of describing the parcel, locating fixed improvements on the parcel, dividing the parcel, or platting.

(c) Condominium Survey: a survey performed pursuant to Chapter 718, Florida Statutes; includes a Boundary Survey.

(d) Construction Layout Survey: the measurements made, prior to or while construction is in progress, to control elevation, configuration, and horizontal position and dimensions.

(e) Control Survey: a survey which provides horizontal or vertical position data for the support or control of subordinate surveys or for mapping.

(f) Hydrographic Survey: a survey having as its principal purpose the determination of data relating to bodies of water, and which may consist of the determination of one or several of the following classes of data: depth of water and configuration of bottom; directions and force of current; heights and times of water stages; and location of fixed objects for survey and navigation purposes.

(g) Mean High Water Line Survey: a survey to document the mean high water line as defined in Part II, Chapter 177, Florida Statutes.

(h) Quantity Survey: a survey to obtain measurements of quantity.

(i) Record Survey: a survey performed to obtain horizontal and/or vertical dimensional data so that constructed improvements may be located and delineated; also known as an As-Built Survey.

(j) Specific or Special Purpose Survey: a survey performed for a purpose other than the purposes detailed in paragraphs (8)(a)-(i) or (k) of this rule.

(k) Topographic Survey: a survey of selected natural and artificial features of a part of the earth's surface to determine horizontal and vertical spatial relations.

(9) Survey Report: a written document, sometimes referred to as "a report" or "the report," detailing methods used, measurements and computations made, accuracies obtained, and information obtained or developed by surveying and mapping techniques.

(10) Surveying and Mapping: a process of direct measurement and analysis specifically designed to document the existence, the identity, the location, and the dimension or size of natural or artificial features on land or in the air, space or water for the purpose of producing accurate and reliable maps, suitable for visualization when needed, of such documentation.

Specific Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History—New 9-1-81, Formerly 21HH-6.02, Amended 12-18-88, Formerly 21HH-6.002, Amended 12-25-95, 5-25-99, 3-25-01, 3-13-03, _____.

(Substantial rewording of Rule 61G17-6.003 follows. See Florida Administrative Code for present text.)

61G17-6.003 General Survey, Map, and Report Requirements.

(1) REGULATORY OBJECTIVE: The public must be able to rely on the accuracy of measurements and maps produced by a surveyor and mapper. In meeting this objective, surveyors and mappers must achieve the following minimum standards of accuracy, completeness, and quality:

(a) The accuracy of the survey measurements shall be premised upon the type of survey and the expected use of the survey and map. All measurements must be in accordance with the United States standard, using either feet or meters.

(b) Records of these measurements shall be maintained for each survey by either the individual surveyor and mapper or the surveying and mapping business entity.

(c) Measurement and computation records must be dated and must contain sufficient data to substantiate the survey map and insure that the accuracy portion of these standards has been met.

(2) Other More Stringent Requirements:

(a) When more stringent survey standards other than those set forth in this chapter are required by federal, state, or local governmental agencies, the survey shall also comply with those standards.

(b) When more stringent survey standards or requirements other than those set forth in this chapter are mandated by the client and agreed to by the surveyor and mapper, the survey shall also comply with those survey standards, providing said survey requirements are within the scope of the surveyor and mapper's expertise.

(3) Other Standards and/or Requirements that Apply to All Surveys, Maps, and/or Survey Products:

(a) REGULATORY OBJECTIVE: In order to avoid misuse of a survey and map, the surveyor and mapper must adequately communicate the survey results to the public through a map, report, or report with an attached map. Any survey map or report must identify the responsible surveyor and mapper and contain standard content. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

(b) Each survey map and report shall state the type of survey it depicts consistent with the types of surveys defined in paragraphs 61G17-6.002(10)(a)-(k), F.A.C. The purpose of a survey, as set out in paragraphs 61G17-6.002(10)(a)-(k), F.A.C., dictates the type of survey to be performed and depicted, and a licensee may not avoid the minimum standards required by rule of a particular survey type merely by changing the name of the survey type to conform with what standards or lack of them the licensee chooses to follow.

(c) All survey maps and reports must bear the name, certificate of authorization number, and street and mailing address of the business entity issuing the map and report, along with the name and license number of the surveyor and mapper in responsible charge. The name, license number, and street and mailing address of a surveyor and mapper practicing independent of any business entity must be shown on each survey map and report.

(d) All survey maps must reflect a survey date, which is the date of data acquisition. When the graphics of a map are revised, but the survey date stays the same, the map must list dates for all revisions.

(e) The survey map and report and the copies of the survey map and report, except those with electronic signature and electronic seal, must contain a statement indicating that the survey map and report or the copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

(f) If either the business entity or the individual licensee does not possess professional liability insurance, then the map, report, and/or survey must contain the following printed statement in letters at least 1/4" high: The survey depicted here is not covered by professional liability insurance.

(g) Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

(h) All computed data or plotted features shown on survey maps must be supported by accurate survey measurements unless clearly stated otherwise.

(i) Bearings, distances, coordinates, and elevations shown on a survey map shall be substantiated by survey measurements unless clearly stated otherwise.

(j) A reference to all bearings shown on a survey map or report must be clearly stated, i.e., whether to "True North"; "Grid North as established by the NOS"; "Assumed North based on a bearing for a well defined line, such as the center

line of a road or right of way, etc."; "a Deed Call for a particular line"; or "the bearing of a particular line shown upon a plat." References to Magnetic North should be avoided except in the cases where a comparison is necessitated by a Deed Call. In all cases, the bearings used shall be referenced to some well-established and monumented line.

(k) A designated "north arrow" and either a stated scale or graphic scale of the map shall be prominently shown upon the survey map.

(l) Abbreviations generally used by the public or in proper names that do not relate to matters of survey are excluded from the legend requirement.

1. Acceptable abbreviations on the face of survey maps are:

N = North

S = South

E = East

W = West

or any combination such as NE, SW, etc.

° = Degrees

' = Minutes when used in a bearing

" = Seconds when used in a bearing

' = Feet when used in a distance

" = Inches when used in a distance

AC = Acres

+/- = More or less (or Plus or Minus)

metric notation

2. Any other abbreviations relating to survey matters must be clearly shown within a legend or notes appearing on the face of the map or report.

(m) When special conditions exist that effectively prevent the survey from meeting these minimum standards, the special conditions and any necessary deviation from the standards shall be noted upon the map or report.

(n) The responsibility for all mapped features must be clearly stated on any map or report signed by a Florida licensed surveyor and mapper. When mapped features surveyed by the signing surveyor and mapper have been integrated with mapped features surveyed by others, then the map or report shall clearly state the individual primarily responsible for the map or report, and the signing surveyor and mapper shall include in the map or report an assessment of the quality and accuracy of all mapped features delivered.

(o) Report Items:

1. Report items are information, as required by other parts of this rule, such as: abbreviations, legends, accuracy statements, feature lists, datums used, and things done or not done as part of the survey and mapping process. In addition, the map or report shall contain other items necessary for an adequate communication of survey methods and results as

judged by the surveyor and mapper such as: data sources, measurement methods, history and lineage of data, and limitations pertaining to the information presented.

2. Text Report items shall be displayed either through notes on the map, report, or in a text report delivered with the map. When the report is produced as a text document and a map is attached, the report shall be signed and sealed. When the map is delivered in digital form only, then a report is required. An attached map must clearly reference the report by title, date and subject; and the report must likewise clearly refer to the map by title, date, and subject. Statements must be made on the map and in the report that neither is full and complete without the other.

(p) Map Accuracy. The expected accuracies of features shown on a survey map must be stated.

1. Vertical Feature Accuracy:

a. All surveys performed showing vertical data shall have a vertical positional accuracy statement. That statement shall be to the effect of: "Elevations and/or contours shown hereon have been measured to an estimated vertical positional accuracy of: _____ (ft) (m)." When different accuracy levels exist for different features, then applicable features and accuracies shall be identified with similar statements.

b. When contour lines are shown, then sufficient data must be obtained in order to insure that 90% of test elevations taken, when compared to map contours, are within stated positional accuracy.

c. Vertical Control: Field-measured control for elevation information shown upon survey maps or reports shall be based on a level loop or closure to a second benchmark. Closure in feet must be accurate to a standard of plus or minus .05 ft. times the square root of the distance in miles. All surveys and maps or reports with elevation data shall indicate the datum and a description of the benchmark(s) upon which the survey is based. Minor elevation data may be obtained on an assumed datum provided the base elevation of the datum is obviously different than the established datum.

2. Horizontal Feature Accuracy:

a. A survey and map's horizontal positional accuracy must be stated. The stated accuracy is a plus or minus tolerance that encompasses 90% of coordinate differences between map displayed values and ground truth. All survey maps or reports shall have a statement of the effect: "Well-identified features in this survey and map have been measured to an estimated horizontal positional accuracy of _____ (ft) (m)." When different accuracy levels exist for different features, then applicable features and accuracies shall be identified with similar statements.

b. Horizontal Control: All surveys and maps or reports expressing or displaying features in a publically published coordinate system shall indicate the coordinate datum and a description of the control points upon which the survey is

based. Minor coordinate data may be obtained and used on an assumed datum provided the numerical basis of the datum is obviously different than a publically published datum.

c. The accuracy of control survey data shall be verified by redundant measurements or traverse closures. All control measurements shall achieve the following closures:

Commercial/High Risk Linear: 1 foot in 10,000 feet;

Suburban: Linear: 1 foot in 7,500 feet;

Rural: Linear: 1 foot in 5,000 feet;

d. When statistical procedures are used to calculate survey accuracies, the maximum acceptable positional tolerance, based on the 95% confidence level, should meet the same equivalent relative distance standards as set forth in subparagraph 61G17-6.003(3)(p)2.c., F.A.C.

(q) Map Plotting Accuracy: The horizontal position of physical features surveyed by field methods must be plotted to within 1/20 of an inch at the map scale.

(r) Intended Display Scale: At the maximum intended display scale, a survey and map's positional accuracy value occupies 1/20" on the display. All maps or reports of surveys produced and delivered with digital coordinate files must contain a statement to the effect of: "This map is intended to be displayed at a scale of 1/____ or smaller".

Specific Authority 472.008, 472.015, 472.027 FS. Law Implemented 472.015, 472.025, 472.027 FS. History—New 9-1-81, Amended 7-29-85, Formerly 21HH-6.03, Amended 12-18-88, 11-27-89, 5-26-91, Formerly 21HH-6.003, Amended 12-25-95, 5-13-96, 11-3-97, 5-25-99, _____.

(Substantial rewording of Rule 61G17-6.004 follows. See Florida Administrative Code for present text.)

61G17-6.004 Specific Survey, Map, and Report Requirements.

(1) As-Built/Record Survey:

(a) When performing as-built or record surveys, the surveyor and mapper shall obtain field measurements of vertical or horizontal dimensions of constructed improvements so that the constructed facility can be delineated in such a way that the location of the construction may be compared with the construction plans.

(b) When the surveyor and mapper prepares as-built maps they will clearly show by symbols, notations, or delineations, those constructed improvements located by the survey.

(c) All maps prepared shall meet applicable minimum technical standards.

(d) The vertical and horizontal accuracy of the measurements made shall be such that it may be determined whether the improvements were constructed consistent with planned locations.

(2) Boundary Survey, Map, and Report:

(a) Boundaries of Real Property.

1. REGULATORY OBJECTIVE: The public must have confidence that boundaries of real property are located on the ground in an adequate and defensible manner. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

2. The surveyor and mapper shall make a determination of the position of the boundary of real property in complete accord with the real property description shown on or attached to the survey map or report.

3. All boundary surveys shall result in a map.

4. Any discrepancies between the survey map and the real property description must be shown.

5. All changes in direction, including curves, shall be shown on the survey map by angles, bearings or azimuths, and will be in the same form as the description or other recorded document referenced on the map.

6. Curved lines with circular curves shall show the radii, arc distances and central angles, or radii, arc distances, chord distances and chord bearings.

7. When intersecting lines are non-radial to a curve, sufficient angular data shall be shown to relate the line to the curve.

8. Surveys of all or part of a lot(s) which is part of a recorded subdivision shall show the following upon the map:

a. The lot(s) and block numbers or other designations, including those of adjoining lots.

b. A comparison between recorded directions and distances with field measured directions and distances when they vary.

c. A comparison between the recorded directions and distances with field measured directions and distances to the nearest street intersection, right of way intersection or other identifiable reference point.

d. The dimensioned remaining portion of a lot(s) when part of a lot is included within the description.

9. Surveys of parcels described by metes and bounds shall show the following upon the map:

a. The relationship of the parcel(s) to at least one established identifiable real property corner;

b. All information called for in the property description, such as point of commencement, course bearings and distances, and point of beginning;

c. A comparison between recorded directions and distances and field measured directions and distances on the boundary when they vary;

d. The most current abutting recorded instrument or recorded plat either known by the surveyor and mapper or furnished to the surveyor and mapper.

(b) Boundary Monuments:

1. REGULATORY OBJECTIVE: In order to prevent boundary conflicts, the public must have assurance that the corners of accurately located real property boundaries as found

by a survey are durably marked with survey monuments that may be identified on the ground with the aid of the survey map. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

2. The surveyor and mapper shall set monuments as defined herein, unless monuments already exist or cannot be set due to physical obstructions at such corners or unless a water boundary has been located in approximate position. The survey map shall clearly label all approximate water boundaries with notes and these shall be mapped in a distinctly different graphic fashion from water boundaries located to full survey accuracy.

3. Every boundary monument set shall:

a. Be composed of a durable material;

b. Have a minimal length of 18 inches;

c. Have a minimum cross-section area of material of 0.2 square inches;

d. Be identified with a durable marker or cap bearing either the Florida license number of the surveyor and mapper in responsible charge, the certificate of authorization number of the business entity; or name of the business entity;

e. Be detectable with conventional instruments for finding ferrous or magnetic objects.

f. When a corner falls in a hard surface such as asphalt or concrete, alternate monumentation may be used that is durable and identifiable.

4. All monuments, found or placed, must be described on the survey map. The corner descriptions shall state the size, material, and cap identification of the monument as well as whether the monument was found or set.

5. When a parcel has an irregular roadway as a boundary, such as a dirt road or a common law road, then a monumented meander or survey line shall be established along or near the feature.

6. For other irregular boundaries such as a river, lake, beach, marsh or stream, not identified as in subparagraph 61G17-6.004(2)(a)2., F.A.C. a dimensioned meander or survey line may be used. When a meander or survey line is used, monuments shall be set at the meander or survey line's terminus points on real property boundary lines and dimensions shall be shown between a meander or survey line and the boundary line sufficient to show the relationship between the two.

7. A boundary survey updating a previous survey made by the same surveyor and mapper or business entity, and which is performed for the purpose of locating non-completed new improvements by measurements to the property lines or related offset lines placed on the property since the previous survey, need not have the property corners reset.

8. Side ties to locate or set monuments shall be substantiated by a redundancy of measurements.

(c) Boundary Inconsistencies:

1. REGULATORY OBJECTIVE: In order to protect and enhance stability of property location and title, the public must have assurance that potential boundary inconsistencies are adequately researched and disclosed. A survey map should present the factual basis of potential boundary inconsistencies in a clear fashion. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

2. Potential boundary inconsistencies that the survey process did not attempt to detect shall be clearly indicated and explained on the survey map or in the report. Where evidence of inconsistency is found, the nature of the inconsistency shall be shown upon the survey map, such as:

- a. Overlapping descriptions or hiatuses;
- b. Excess or deficiency;
- c. Conflicting boundary lines or monuments; or
- d. Doubt as to the location on the ground of survey lines or property rights.

3. Open and notorious evidence of boundary lines, such as fences, walls, buildings, monuments or otherwise, shall be shown upon the map, together with dimensions sufficient to show their relationship to the boundary line(s).

4. All apparent physical use onto or from adjoining property must be indicated, with the extent of such use shown or noted upon the map.

5. In all cases where foundations may violate deed or easement lines and are beneath the surface, failure to determine their location shall be noted upon the map or report.

(d) Rights-of-Way, Easements, and Other Real Property Concerns:

1. REGULATORY OBJECTIVE: In order to provide assurance of the status of access and other real property rights, the public must be informed of the existence and location of rights-of-way and easements associated with property being surveyed. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

2. All recorded public and private rights of way shown on applicable recorded plats adjoining or across the land being surveyed shall be located and shown upon the map.

3. Easements shown on applicable record plats or open and notorious evidence of easements or rights-of-way on or across the land being surveyed shall be located and shown upon the map.

4. When streets or street rights-of-way abutting the land surveyed are physically closed to travel, a note to this effect shall be shown upon the map.

5. When location of easements or rights-of-way of record, other than those on record plats, is required, this information must be furnished to the surveyor and mapper.

6. Human cemeteries and burial grounds located within the premises shall be located and shown upon the map when open and notorious, or when knowledge of their existence and location is furnished to the surveyor and mapper.

(e) Real Property Improvements:

1. REGULATORY OBJECTIVE: The public must be informed of the existence and location of pertinent real property improvements and their relation to the boundary of real property. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

2. Location of fixed improvements pertinent to the survey shall be graphically shown upon the map and their positions shall be dimensioned in reference to the boundaries, either directly or by offset lines.

3. When fixed improvements are not located or do not exist, a note to this effect shall be shown upon the map.

4. Building corners are acceptable as monumentation so long as use of building corners as monumentation is clearly noted on survey drawing.

5. When a boundary survey updating a previous boundary survey is made by the same surveyor or survey firm for purpose of locating non-completed new improvements; then property corners need not be reset; however, when a boundary survey is updating a previous survey made by the same surveyor or survey firm and is performed for purpose of locating completed new improvements then property corners must be recovered or reset. When a boundary survey updates a previous boundary survey made by a different surveyor or survey firm for the purpose of locating either non-completed or completed new improvements, property corners must be recovered or reset.

(3) Construction Layout Survey:

(a) When the surveyor and mapper provides construction staking, these stakes must be based on controls established using the survey standards set out in paragraph 61G17-6.003(3)(p), F.A.C., of this chapter. The stakes provided should be adequate in number and position so that the physical items can be constructed from the plans as designed

(b) Horizontal and Vertical Controls for Public and Private Construction Layout:

1. Section 472.003(3), Florida Statutes, provides an exemption from licensing for certain classes of individuals performing construction layout from boundary, horizontal and vertical controls that have been established by a licensed professional surveyor and mapper. This rule is designed to set out what constitutes horizontal and vertical controls.

a. Horizontal control monumentation for the purpose of this rule includes:

1. Points of Curve, Points of Tangency, Points of Tangent Intersections, Points on Line and Points on Curve.
2. Points of Intersection of other streets or roads.
3. Angle points or changes in direction.

b. Horizontal control monumentation for road center-lines, right-of-way lines, reference lines or base lines shall be at least a minimum of two (2) points placed so that no point on the line being monumented is more than 700 feet from a control monument.

c. Horizontal control monumentation for main utility lines (such as water, sewer, storm drainage, electric, telephone, television, gas, etc.) when not constructed within or along a road right-of-way control in accordance with subsection sub-subparagraph 61G17-6.004(3)(b)1.b., F.A.C. shall be at least a minimum of two (2) points placed so that no point on the line being monumented is more than 700 feet from a control monument.

d. Horizontal control monumentation for buildings and/or primary constructions shall be at least:

1. Boundaries or

2. Control or base lines (minimum of 2 points) or

3. A minimum of a four-corner envelope for non-residential construction improvement layout.

e. Horizontal control monumentation required by plans as a control for horizontal location not included in sub-subparagraphs 61G17-6.004(3)(b)1.b., c., or d., F.A.C. shall meet the requirements of sub-subparagraph 61G17-6.004(3)(b)1.a., F.A.C.

(c) All construction requiring benchmarks shall have a minimum of two (2) existent or established benchmarks for vertical control.

(d) Vertical control for linear type construction sites such as roads and sewer lines shall have a maximum of 1,100 feet between existent or established benchmarks.

(e) Vertical control for acreage construction sites shall have two (2) existent or established benchmarks on the first ten (10) acres plus an additional benchmark for each additional ten (10) acres.

(f) The only required documentation for this type of survey product shall be field notes.

(4) Control Survey:

(a) Geodetic Control Surveys: When applicable, all geodetic control surveys, both vertical and horizontal, shall conform to the Standards and Specifications for Geodetic Control Networks (1984) as set forth by the Federal Geodetic Control Committee (FGCC), which Standards and Specifications are incorporated herein by reference, effective 5-13-96, and the Geospatial Positioning Accuracy Standards Parts 1, 2, and 3, FGDC-STD-007.1-1998, entitled "Geospatial Positioning Accuracy Standards Part 2: Standards for Geodetic Networks", and FGDC-STD-007.3-1998, entitled "Geospatial Positioning Accuracy Standards Part 3: National Standard for Spatial Data Accuracy", which are hereby incorporated by reference, effective 5-18-00, copies of which may be obtained via the internet web site (<http://fgdc.er.usgs.gov>). No use of the terminology of these standards may be made without completely adopting and following all the standards in their

entirety. When these standards are not employed, then a survey, map, or report shall explain applicable standards used in the geodetic control survey. All geodetic control survey maps or reports shall show the horizontal and vertical datum used and shall contain adequate graphical or written descriptions of the locations, construction and marking of all marks used or set and shall explain methods employed in the survey and adjustment.

(b) Other Control Surveys: Any control survey map or report shall detail the datum used and control stations used in a manner consistent with the general survey and map provisions of subsection 61G17-6.003(1), F.A.C.

(5) Descriptions/Sketch to Accompany Description:

(a) Descriptions written by a surveyor and mapper to describe land boundaries by metes and bounds shall provide definitive identification of boundary lines.

(b) When a sketch accompanies the property description, it shall show all information referenced in the description and shall state that such sketch is not a survey. The initial point in the description shall be tied to either a government corner, a recorded corner, or some other well-established survey point.

(6) Digital Data:

(a) When survey information is provided in digital form only, the surveyor and mapper shall provide a signed and sealed report as set forth in paragraph 61G17-6.003(3)(o), F.A.C.

(b) The digital file will reference the report and that the digital file is not full and complete without the report.

(7) Ortho-Images/Photos:

(a) The survey, map, and/or report must contain a list of control points employed in geo-referencing the image along with the source of control positions used.

(b) Positional Accuracy: Feature accuracies shall be stated in a manner consistent with the general survey and map accuracy provisions of paragraph 61G17-6.003(3)(p), F.A.C.

(c) The Ortho-Image/Photo shall comply with the US Department of the Interior, US Geological Survey National Mapping Divisions, "National Mapping Program Technical Instructions Part 2 Specifications Standards for Digital Orthophotos."

(8) Quantity Survey:

Quantity Surveys: The surveyor and mapper shall obtain horizontal and vertical measurements adequate to delineate graphically geometric configurations and/or dimensions that can be mathematically computed.

(9) Raster Imagery:

(a) REGULATORY OBJECTIVE: The public must be able to rely on surveys and maps presented in image form, digital or graphical, where coordinate positions of mapped features on a recognized coordinate system may be extracted from the image.

(b) The survey and report must contain a list of control points employed in geo-referencing the image along with the source of control positions used. The survey and report must contain a statement clearly stating that “This is not an orthoimage or orthophoto.”

(c) Feature accuracies shall be stated in a manner consistent with the general survey and map accuracy provisions outlined in paragraph 61G17-6.003(3)(p), F.A.C.

(10) Subdivision Record Plat:

This rule shall not apply to plats being prepared for filing and recording pursuant to Chapter 177, Florida Statutes; however, this rule shall apply to any boundary survey performed during the preparation of the plat.

(11) Specific Purpose Survey:

(a) Surveys which are performed for a purpose other than the purposes encompassed by the definitions in paragraphs 61G17-6.002(8)(a)-(i) or (k), F.A.C., shall be permitted only where unusual conditions make impracticable or impossible the performance of one of the types of surveys defined in paragraphs 61G17-6.002(8)(a)-(j) or (k), F.A.C.

(b) Such purpose and conditions shall be clearly shown upon the survey map or in the survey report.

(c) Surveys performed for purposes of monumenting, referencing, describing, and mapping centerline or baseline may be performed as Specific Purpose Surveys. Additionally, surveys performed for the purpose of monumenting official right-of-way lines may be performed as Specific Purpose Surveys.

(12) Topographic Survey:

(a) Topographic surveying and mapping by field methods shall meet general provisions applicable to all surveys and maps as set out in Rule 61G17-6.003, F.A.C. A minimum of two site benchmarks on or near the survey shall be indicated upon the survey map.

(b) Topographic Features.

1. REGULATORY OBJECTIVE: The public must be able to rely on topographic information contained on a survey map and must be able to correctly interpret the intended map coverage.

2. Intended Features. The surveyor and mapper shall devise a method of reporting which topographic features were intended to be surveyed and mapped, the style of cartographic representation employed for each, and the degree of intended completeness in the surveying and mapping of each feature. As with abbreviations, any symbols, line types, etc. shown on the survey map shall be explained/defined in a legend.

3. Obscured Areas. Features in obscured areas where the desired points or surfaces being mapped are not clearly visible on source images shall be clearly labeled on the map as “interpolated” or “estimated” through the use of notes and shall be depicted graphically clearly different from other surveyed features.

4. Scale of Map. The scale of the map that is selected when provided in hard copy shall be sufficient to accurately and clearly show the results of the survey.

5. Property Lines. Any depiction of property lines on a topographic map shall be accompanied with a statement as to the source of the property lines shown.

Specific Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History—New 2-20-96, Amended 5-25-99, 3-25-01, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: RULE NO.:

Post Licensing Education for Registered 61J1-4.009
Trainee Appraisers

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to discuss possible incorporation of the end-of-course item writing guidelines relating to post-licensing and to correct and clarify the rule language adopted in the previous rule re-write.

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.6175 FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, August 6, 2004

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

IF REQUESTED, AN ADDITIONAL WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: RULE NO.:

License Fees and Examination Fees 61J2-1.011

PURPOSE AND EFFECT: This purpose of this amendment is to give applicants the option of Fingerprint Card Processing or Electronic Fingerprint Processing.

SUBJECT AREA TO BE ADDRESSED: License Fees and Examination Fees.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451, 68.065(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-1.011 License Fees and Examination Fees.

(1) No change.

(2) The application fee for licensure shall be as follows:

(a) Initial application

Broker \$20.00

Sales Associate \$20.00

(b) 1. Fingerprint Card Processing Fee or \$47.00

2. Electronic Fingerprint Processing Fee \$61.00

(3) through (11)(b) No change.

Specific Authority 475.05 FS. Law Implemented 68.065(2), 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451 FS. History—New 10-10-79, Amended 1-1-80, 4-14-81, 9-13-82, 10-19-83, 8-12-84, 10-13-85, Formerly 21V-1.11, Amended 2-1-87, 1-1-88, 5-5-88, 10-13-88, 9-10-89, 1-4-90, 2-13-90, 3-27-90, 8-21-90, 10-9-90, 1-13-91, 8-19-91, 7-1-93, Formerly 21V-1.011, Amended 7-18-94, 12-17-95, 12-30-97, 1-19-99, 4-18-99, 2-24-00, 11-17-03,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: SOLICITATION

RULE NO.: 64B2-15.002

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

SUBJECT AREA TO BE ADDRESSED: Solicitation.

SPECIFIC AUTHORITY: 460.413(1)(l), 460.405 FS.

LAW IMPLEMENTED: 460.413(1)(l) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: TESTING AND COMPETENCY EVALUATION

RULE NO.: 64B9-15.008

PURPOSE AND EFFECT: To provide that both the written and clinical examinations for certification as a certified nursing assistant must be passed within two years of each, and to delete the relative weight of the general areas of competency. The amendment also deletes the requirement that the clinical skills test include ability to measure height.

SUBJECT AREA TO BE ADDRESSED: Testing and Competency Evaluation.

SPECIFIC AUTHORITY: 464.202, 464.203 FS.

LAW IMPLEMENTED: 464.203, 464.2085 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 ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dan Coble, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-15.008 Testing and Competency Evaluation.

(1) The Certified Nursing Assistant Examination shall consist of the Written Exam and the Clinical Skills Test. Both the Written Exam and the Clinical Skills Test must be passed within a two-year period in order to achieve certification. Results on either the Written Exam or the Clinical Skills Test which are over two-years old are invalid and both the Written Exam and the Clinical Skills Test must be repeated.

(2) The general areas of competency and relative weight of the Written Exam are as follows:

- (a) Role of the Nursing Assistant (~~16-24%~~);
 - (b) Promotion of Health and Safety (~~14-17%~~);
 - (c) Promotion of Function and Health of Residents (~~20-26%~~);
 - (d) Basic Nursing Skills (~~24-28%~~); and
 - (e) Providing Specialized Care (~~14-19%~~).
- (3) No change.
- (4) through (d)1. No change.
2. Measure and Record Height and Weight; and
3. No change.
- (5) through (7) No change.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History–New 5-25-03, Amended _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE TITLE: Eligibility Determination Process

RULE NO.: 65A-1.205

PURPOSE AND EFFECT: The proposed rule amendment clarifies the department’s eligibility processing procedures applicable to all programs.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment provides for the use of an electronic signature on the simplified Common Application Form and Eligibility Questionnaire form and the Request for Assistance form to apply for public assistance.

SPECIFIC AUTHORITY: 409.919, 414.45 FS.

LAW IMPLEMENTED: 414.095, 414.31, 409.903, 409.904, 409.919, 410.033 FS.

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

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

PLACE: 1317 Winewood Boulevard, Building 3, Room 239, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jennifer Lange, Policy Chief, 1317 Winewood Boulevard, Building 3, Room 450, Tallahassee, Florida 32399-0700, (850)921-0253

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

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE TITLES:	RULE NOS.:
Definitions	66B-1.003
Policy	66B-1.004
Funds Allocation	66B-1.005
Application Process	66B-1.006

PURPOSE AND EFFECT: The purpose of the proposed rule development is to include the following provisions in the program rule: Add specific waterways essential to the Inland Waterway Navigation System to the definition of eligible waterways; Expand the eligibility of boat ramps; Add interlocal agreements to the funding eligibility; and Clarify the funding responsibility of the applicant.

The effect of the rule development is to implement changes in the administration of the District’s Waterways Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUBJECT AREA TO BE ADDRESSED: Cooperative Assistance Program rule sections: Definitions, Policy, Funds Allocation and Application Process.

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) 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: 11:00 a.m., December 13, 2004

PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

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

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE TITLES:	RULE NOS.:
Definitions	66B-2.003
Policy	66B-2.004
Funds Allocation	66B-2.005
Application Process	66B-2.006

PURPOSE AND EFFECT: The purpose of the proposed rule development is to include the following provisions in the program rule: Add specific waterways essential to the Inland Waterway Navigation System to the definition of eligible

waterways; Expand the eligibility of boat ramps; Add interlocal agreements to the funding eligibility; and Clarify the funding responsibility of the applicant.

The effect of the rule development is to implement changes in the administration of the District's Waterways Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUBJECT AREA TO BE ADDRESSED: Waterways Assistance Program rule sections: Definitions, Policy, Funds Allocation and Application Process.

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) 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: 11:00 a.m., December 13, 2004

PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: Florida Workers' Compensation Health Care Provider Reimbursement Manual

RULE NO.: 69L-7.020

PURPOSE AND EFFECT: To amend Rule 69L-7.020, F.A.C., to adopt the 2005 Edition of the Florida Workers' Compensation Health Care Provider Reimbursement Manual and implement the statewide schedules of maximum medical reimbursement allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), Florida Statutes, at its meeting on November 19, 2004, and otherwise address issues raised by the Three-Member Panel.

SUBJECT AREA TO BE ADDRESSED: Reimbursement of health care providers that provide medical services for workers' compensation claimants.

SPECIFIC AUTHORITY: 440.13(14)(b), 440.591 FS.

LAW IMPLEMENTED: 440.13(7),(12),(14) FS.

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1711

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2005 ~~2004~~ ~~Second~~ Edition, is adopted by reference as part of this rule. The manual contains reimbursement policies, guidelines, codes and maximum reimbursement allowances for medical services and supplies provided by health care providers. Also, the manual includes reimbursement policies and payment methodologies for pharmacists and medical suppliers. The Florida Workers' Compensation Health Care Provider Reimbursement Manual, incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com>.

(2) No change.

Specific Authority 440.13(14)(b), 440.591 FS. Law Implemented 440.13(7),(12),(14) FS. History—New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, 7-4-04,_____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLES: Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers (ASCs)

RULE NOS.: 69L-7.100

Florida Workers' Compensation Reimbursement Manual for Hospitals

69L-7.501

PURPOSE AND EFFECT: To amend Rule 69L-7.100, F.A.C., and Rule 69L-7.501, F.A.C., to adopt the 2005 editions of the Florida Workers' Compensation Reimbursement Manual for Hospitals and the Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers in order to implement the statewide schedules of maximum

medical reimbursement allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), Florida Statutes, at its meeting on November 19, 2004, and otherwise address issues raised by the Three-Member Panel.

SUBJECT AREA TO BE ADDRESSED: Reimbursement of health care providers that provide medical services for workers' compensation claimants.

SPECIFIC AUTHORITY: 440.13(14), 440.591 FS.

LAW IMPLEMENTED: 440.09(1),(2), 440.13(1)(a),(b),(d), (g),(h), (2)(a),(d), (e),(h),(j),(3), (4)(a),(b),(f),(g),(h),(i)5., (7),(12),(14), 440.37(2)(a) FS.

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

TIME AND DATE: 10:00 a.m. or upon the conclusion of the workshop regarding amendment to Rule 69L-7.020, F.A.C., whichever is later, December 9, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1711

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-7.100 Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers (ASCs).

(1) The Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers, 2005 ~~1992~~ Edition, is adopted by reference as part of this rule. The manual contains reimbursement policies and maximum reimbursement allowances for ambulatory surgical facility services, which are items and services provided in connection with a surgical procedure. The manual contains basic instructions and information for all ambulatory surgical centers and carriers in the preparation and reimbursement of claims for ambulatory surgical facility services.

(2) through (3) No change.

(4) The Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers, 2005 ~~1992~~ Edition, which contains the reimbursement policies and maximum reimbursement allowances for ambulatory surgical facilities, is

distributed by the Division of Workers' Compensation, Document Processing Center, 200 East Gaines Street, Tallahassee, Florida 32399-4230.

Specific Authority 440.591 FS. Law Implemented 440.09(1),(2), 440.13(1)(a),(b),(d),(g),(h),(2)(a),(d),(e),(h),(j), (3),(4)(a),(b),(f),(g),(h),(i)5., 440.37(2)(a) FS. History--New 8-7-91, Amended 12-31-92, Formerly 38F-7.100, 4L-7.100, Amended.

69L-7.501 Florida Workers' Compensation Reimbursement Manual for Hospitals.

(1) The Florida Workers' Compensation Reimbursement Manual for Hospitals, 2005 ~~2004~~ ~~Second~~ Edition is adopted by reference as part of this rule. The manual contains reimbursement policies and per diem rates for hospital services and supplies.

(2) Form DWC-90, Uniform Bill (rev. 1992), also known as the UB-92, or HCFA-1450, is hereby incorporated by reference as part of this rule. The Florida Workers' Compensation Health Care Provider Reimbursement Manual 2005 ~~2004~~, ~~Second~~ Edition is incorporated by reference as part of this rule also. The reimbursement policies, billing codes and maximum reimbursement allowances for physical therapy, occupational therapy, speech therapy, radiology and clinical laboratory services contained in the manual shall be applied to hospital services provided on an outpatient basis only.

(3) No change.

Specific Authority 440.13(14), 440.591 FS. Law Implemented 440.13(7),(12),(14) FS. History--New 6-9-87, Amended 6-1-92, 10-27-99, 7-3-01, Formerly 38F-7.501, 4L-7.501, Amended 12-4-03, 1-1-04, 7-4-04, Amended.

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Indemnity Standard Risk Rate	69O-149.205
Preferred Provider/Exclusive Provider	
Standard Risk Rates	69O-149.206
Health Maintenance Organization	
Standard Risk Rates	69O-149.207

PURPOSE AND EFFECT: Provisions of Section 627.6675 required that the Office annually conduct a survey and publish standard risk rates.

SUBJECT AREA TO BE ADDRESSED: Annual publication of these updated rates.

SPECIFIC AUTHORITY: 624.308, 627.6675(3)(c) FS.

LAW IMPLEMENTED: 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS.

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

TIME AND DATE: 9:00 a.m., December 13, 2004

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Forms Incorporated by Reference

RULE NO.: 690-203.210

PURPOSE AND EFFECT: To facilitate applications for licensure of Discount Medical Plans.

SUBJECT AREA TO BE ADDRESSED: Applications for Discount Medical Plan Organizations.

SPECIFIC AUTHORITY: 636.232 FS.

LAW IMPLEMENTED: 636.204, 636.220, 636.226, 636.228, 636.234, 636.236 FS.

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

TIME AND DATE: 9:30 a.m., December 16, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT: David Brown, Office of Insurance Regulation, e-mail: david.brown@fldfs.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

DISCOUNT MEDICAL PLAN ORGANIZATIONS

690-203.210 Forms Incorporated by Reference.

(1) The following forms are incorporated herein by reference to implement the provisions of Chapter 636, Part II, Florida Statutes:

(a) The following forms which are hereby adopted:

	FORM #	TITLE	DATE
1.	OIR-C1-1606	APPLICATION FOR LICENSE DISCOUNT MEDICAL PLAN ORGANIZATION (DMPO)	10/04
2.	OIR-C1-1423	BIOGRAPHICAL AFFIDAVIT	4/04

(b) The following forms as adopted in Chapter 690-136, F.A.C.:

	FORM #	TITLE	DATE
1.	OIR-C1-144	SERVICE OF PROCESS CONSENT & AGREEMENT	1/97
2.	OIR-C1-903	INVOICE – REQUEST FOR PAYMENT OF FINGERPRINT CHARGES	4/97
3.	OIR-C1-938	FINGERPRINT CARD INSTRUCTIONS	5/02
4.	OIR-C1-1298	MANAGEMENT INFORMATION FORM – COMPLETE LIST OF OFFICERS, DIRECTORS, AND SHAREHOLDERS (10% OR MORE)	4/97

(2) All of the above referenced forms are available and may be printed from the Office’s website: <http://fldfs.com>.

Specific Authority 636.232 FS. Law Implemented 636.204, 636.220, 636.226, 636.228, 636.234, 636.236 FS. History–New _____.

Section II Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

RULE CHAPTER TITLE: Practice and Procedure RULE TITLES: Complaints Investigation of Complaints; Statements of Findings; and Probable Cause Determinations Minor Violations Hearings Before the Commission Award of Attorney's Fees Appeal of Fines Imposed by Filing Officers Fine Imposed; Timely Filed Reports Late-File Reports; Unusual Circumstances	RULE CHAPTER NO.: 2B-1 RULE NOS.: 2B-1.0025 2B-1.0027 2B-1.003 2B-1.004 2B-1.0045 2B-1.005 2B-1.0052 2B-1.0055
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PURPOSE AND EFFECT: Rule 2B-1.0025, F.A.C., limits complaints as follows: (1) a complaint must contain the original signature of the complainant, (2) a second complaint filed against the same person is legally insufficient if it is based on the same facts or allegations that were raised in the first complaint, (3) if a complainant does not correct a legally insufficient complaint within 14 days of notice, the case will be closed, and (4) if the complainant does not request the Commission to review the legal sufficiency of a complaint within 21 days of notice, the case will be closed. Rule 2B-1.0025, F.A.C., also is amended to state that the complaint form, Confidential Complaint FEC 001, is amended and incorporated by reference to indicate that the Commission now has jurisdiction over violations of Section 98.122, F.S., dealing with the use of closed captioning and descriptive narrative in television broadcasts.

Rule 2B-1.0027, F.A.C., dealing with investigation of complaints is amended to provide: (1) that the Commission staff may investigate all violations specifically alleged in the complaint, including the violations that are listed on the complaint form and that arise from the facts set forth in the complaint, (2) that the respondent and complainant shall be permitted to attend the probable cause hearings, (3) that the respondent shall be permitted to make an oral statement at the probable cause hearing, and (4) before making a decision on probable cause, the Commission shall review the complaint, report of investigation, statement of findings, any written statements submitted by the respondent, and the oral statement made by the respondent at the hearing.

Rule 2B-1.003, F.A.C., dealing with minor violations is amended to conform to changes made by the 2004 Legislature. Rule 2B-1.003(1), F.A.C., adds as a minor violation Section 106.143(1)(a), F.S, providing for a candidate disclaimer, (2) adds as a minor violation Section 106.1439(1), F.S., providing for an electioneering communications disclaimer, (3) strikes

Section 106.148, F.S, and (4) clarifies the language of the other minor violations enumerated in the rule to make the language more consistent with statutory language.

Rule 2B-1.004, F.A.C., dealing with hearings before the Commission is amended to state that the Pre-hearing Order Form, FEC 002, is amended and incorporated by reference to change the Commission's address and update the format of the form.

Rule 2B-1.0045, F.A.C., is a new rule that establishes procedures for a provision passed by the 2004 Legislature providing attorney's fees to a respondent if a person files a complaint with malicious intent to injure the reputation of the respondent. Rule 2B-1.0045, F.A.C., provides: (1) that the respondent shall file a petition within 30 days of dismissal of the complaint to claim costs and attorney's fees, (2) at an informal hearing, the Commission shall determine the sufficiency of the petition, (3) that the parties to the claim are the respondent and the complainant, and (4) that the respondent must prove his claim by clear and convincing evidence.

Rule 2B-1.005, F.A.C., dealing with appeal of fines imposed by the filing officers is amended to provide that the Commission may reduce the fine for reasons other than the report was timely filed or there were unusual circumstances, and the Commission, without good cause, will not consider any document at the hearing unless it was filed with the Commission clerk at least ten days before the hearing.

Rule 2B-1.0052, F.A.C., dealing with when a report is timely filed provides that if the filing officer receives a report with an illegible postmark within five days of the due date and the report is delivered by the U. S. Postal Service, it is deemed timely filed.

Rule 2B-1.0055, F.A.C., dealing with unusual circumstances provides that the filing officer may notify the candidate or committee by e-mail that its report is late and eliminates the requirement that to claim lack of notice as an unusual circumstance the report must be filed within 13 days after it is due.

The rule changes will take effective immediately upon adoption.

SUMMARY: The rules amend procedures regarding complaints; investigation of complaints; minor violations of Chapter 106, F.S; hearings held before the Commission; award of attorney's fees; appeal of fines imposed by the filing officer for late filed reports, appeal of fines for timely filed reports; and appeal of fines for late filed reports where a candidate or committee claims unusual circumstances.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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: 106.26(1), 106.26(12), 106.24(5) FS.

LAW IMPLEMENTED: 105.071, 106.04(8), 106.07(8), 106.24(5), 106.25, 106.26, 106.26(1), 106.26(12), 106.265(5) 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., December 14, 2004

PLACE: Florida Elections Commission Conference Room, 107 West Gaines Street, Suite 224, Collins Building, Tallahassee, FL 32399-1050

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara M. Linthicum, Executive Director, Florida Elections Commission, 107 W. Gaines St., Room 243, Collins Bldg., Tallahassee, FL 32399-1050, (850)922-4539

THE FULL TEXT OF THE PROPOSED RULES IS:

2B-1.0025 Complaints.

(1) Any complaint ~~alleging of alleged~~ violations of the Florida Election Code over which the Florida Elections Commission has jurisdiction shall be filed with the Commission. A complaint form, Confidential Complaint, FEC 001, effective _____, ~~2-16-04~~, which is hereby adopted and incorporated by reference may be obtained by calling the Commission office during normal business hours or by writing to the Commission. The complaint form may also be obtained from the Commission's website www.fec.state.fl.us.

(2) Within five working days of receipt of a sworn complaint, the executive director shall send a copy of the complaint to the person against whom the complaint was made, the respondent.

(3) Upon receipt of a complaint, the executive director shall determine whether the complaint is legally sufficient, unless the executive director determines that the identity of the parties or witnesses or other factual or legal basis would prevent his or her determination due to an appearance of impropriety or a conflict as defined by Section 112.312(8), Florida Statutes. Upon the executive director's determination that he or she has a conflict or that action on the complaint would present an appearance of impropriety, the executive director shall refer the complaint to the Commission for a determination of legal sufficiency.

(4) A complaint is legally sufficient if it meets the following criteria.

(a) The complaint alleges a violation of Chapter 104 or 106 or Section 98.122 or 105.071, F.S.;

(b) The complaint was made under oath in the presence of a notary public or other person authorized by law to administer oaths;

(c) The complaint contains the original signature of the complainant;

~~(d)(e)~~ The complaint contains specific facts upon which the complainant bases the allegation of a violation of law; and

~~(e)(d)~~ The complaint alleges a violation that occurred within two years of the date the complaint is filed with the Commission.

(5) A complaint is not required to list every section of the Election Code that a respondent could have violated or to specify facts that support every element of the violations alleged.

(6) If a person files a second complaint against the same person, the executive director shall determine that the second complaint is legally insufficient, if the second complaint alleges violations that are based upon the same facts or allegations that were raised or could have been raised in the first complaint.

~~(7)(6)~~ In determining the legal sufficiency of a complaint, the executive director shall consider any document referred to in the complaint and any material Commission staff has obtained in prior Commission investigations. In determining the legal sufficiency of a complaint alleging a violation of the campaign finance laws, the executive director shall also consider documents on file with the filing officer.

~~(8)(7)~~ When the executive director determines that a complaint is legally insufficient, the complainant and the respondent shall be notified. The notice shall include the reason the complaint is legally insufficient and notify the complainant that he has 14 days to correct the stated ground of insufficiency. If the complaint does not respond within 14 days, the executive director shall close the case. If the complainant responds but does not provide information that corrects the stated ground of insufficiency, the complainant and the respondent shall be notified of complainant's right to seek the Commission's review of the executive director's finding that the complaint is legally insufficient.

~~(9)(8)~~ A complainant seeking the Commission's review of the executive director's finding that the complaint is legally insufficient shall file a written request for review with the Commission clerk stating with specificity the reasons the complainant believes that the complaint is legally sufficient within 21 days of receipt of the notice. If a written request for review is not filed with the Commission clerk within 21 days of receipt of the notice, the executive director shall close the case the complaint will be dismissed.

~~(10)(9)~~ If the Commission finds the complaint legally sufficient, it shall direct the executive director to further investigate the complaint. If the Commission finds the complaint legally insufficient, it shall dismiss the complaint.

Specific Authority 106.26(1) FS. Law Implemented 105.071, 106.25 FS. History—New 2-17-91, Amended 11-14-93, 3-19-96, 8-19-96, Formerly 1D-1.0025, Amended 1-11-98, 1-2-02, 2-16-04, _____.

2B-1.0027 Investigation of Complaints; Statements of Findings; and Probable Cause Determinations.

(1) If a complaint is legally sufficient, it shall be investigated by Commission staff. The staff may investigate all violations specifically alleged in the sworn complaint, including the alleged violations listed on the complaint form and the alleged violations that arise from the facts set forth in the complaint.

(2) A subpoena necessary to gather evidence during the investigation of a legally sufficient complaint shall be executed and issued by the executive director. The subpoena shall contain a notice that the person to whom the subpoena is directed may file a motion to quash or limit the subpoena with the Commission ~~commission~~ clerk and state the ground relied upon. At the request of any party, the Commission ~~commission~~ clerk shall schedule a motion hearing before a Commissioner designated by the Chairman to hear such non-dispositive matters. The filing of such a motion shall toll the time for responding to the subpoena. If the motion to quash is denied, the subpoena shall be complied with within five days of an oral or written ruling on the motion, whichever occurs first.

(3) The individual conducting the investigation shall prepare a report of the results of the investigation, including relevant documents or other evidence gathered during the investigation.

(4) Considering the report of investigation and relevant documents or other evidence gathered during the investigation, the general counsel or an assistant general counsel, shall prepare a statement of findings. The statement of findings shall set forth sufficient facts revealed during the investigation to support a recommendation to the Commission that there is probable cause or no probable cause to believe that the respondent violated a provision of The ~~the~~ Florida Election Code over which the Commission has jurisdiction.

(5) All statements of findings shall be reviewed and signed by the executive director and scheduled for review by the Commission ~~commission~~.

(6) The executive director shall ensure that legally sufficient complaints alleging a violation of Section 104.271(2), F.S., shall be given priority in the allocation of investigative and legal resources. Any request for hearing before the Commission shall be scheduled for its first available meeting.

(7) The respondent, the complainant, and their respective counsels shall be permitted to attend the hearing at which the Commission determines probable cause. Notice of the hearing shall be sent to the respondent and the complainant at least 14 days before the date of the hearing. The respondent and his or

her counsel shall be permitted to make a brief oral statement in the nature of oral argument to the Commission before the Commission determines probable cause.

~~(8)(7)~~ At the probable cause hearing, the Commission shall review the complaint, report of investigation, all statements of findings submitted by the executive director, any written statements submitted by the respondent, and any oral statements made at the probable cause hearing and relevant documents or other evidence gathered during the investigation. The Commission shall then:

(a) Issue an order finding probable cause to believe that specific sections of the law have been violated;

(b) Issue an order finding no probable cause to believe a violation has occurred; or

(c) Return the matter to Commission staff for additional investigation or legal analysis.

~~(9)(8)~~ The Commission ~~commission~~ clerk shall send a copy of the order determining probable cause or no probable cause, along with a copy of the statement of findings, to the complainant and the respondent.

~~(10)(9)~~ An order of no probable cause shall constitute final agency action.

~~(11)(10)~~ Any order of probable cause entered by the Commission shall advise the respondent of the right to a hearing pursuant to Chapter 120, F.S., and the provisions of Rule 2B-1.004, F.A.C., which allow the Commission to designate a Commissioner or Commissioners to hear formal and informal hearings.

Specific Authority 104.271(2), 106.26(1) FS. Law Implemented 104.271(2), 106.25, 106.26 FS. History—New 1-12-99, Amended _____.

2B-1.003 Minor Violations.

(1) The Commission shall consider a violation of Chapter 106, F.S., a minor violation under the following circumstances:

(a) The violation is one of those identified in this rule;

(b) The complaint alleging the violation contains no legally sufficient violation other than those identified in this rule;

(c) The respondent against whom the complaint was filed has not been notified of an allegation of the same violation before the conduct about which the complaint was filed;

(d) The respondent against whom the complaint was filed agrees to correct, if feasible, the conduct that resulted in a violation identified in this rule; and

(e) If the violation involves political advertising, the violation must have occurred more than 14 days before the election in which the candidate or committee named in the political advertising is participating and the person, candidate, or committee that paid for the political advertisement must be named in the political advertisement. If the violation occurred less than 14 days before the election, the complaint must not contain an allegation that the political advertising was either deceptive or influenced the outcome of the election.

(2) The following violations are minor violations so long as the requirements of subsection (1) of this rule have been met:

(a) Section 106.021(1)(b), Florida Statutes, failure of a candidate or political committee to properly designate a separate interest-bearing campaign account, so long as the account is identified as the campaign account of the candidate or political committee. A fine of \$100 shall be imposed for each violation.;

(b) Section 106.023, Florida Statutes, failure of a candidate to file a statement with the filing officer that says he or she the candidate has read and understands the requirements of Chapter 106, within ten days after filing his or her appointment of campaign treasurer and designation of campaign depository form. A fine of \$100 shall be imposed for each violation.;

(c) Section 106.025(1)(c), Florida Statutes, failure of a person holding who holds a campaign fund raiser to mark include the statement required by this section on tickets or advertising for the fund raiser with the required disclaimers. A fine of \$250 shall be imposed for each violation.;

(d) Section 106.071(2)(4), Florida Statutes, failure of a person making an independent expenditure for a political advertisement to mark prominently the to include the proper disclaimer in a political advertisement with the required disclaimer paid for by an independent expenditure. A fine of \$250 shall be imposed for each violation.;

(e) Section 106.143(1)(a), Florida Statutes, failure of a candidate making an expenditure for a political advertisement to mark prominently the political advertisement with the required disclaimer. A fine of \$250 shall be imposed for each violation.

(f)(e) Section 106.143(1)(b), Florida Statutes, failure of a person making an expenditure for a political advertisement to mark prominently the all political advertisements as a "pd. pol. adv." or a "paid political advertisement" and of to identify the sponsor. A fine of \$200 shall be imposed for each violation.;

(g)(f) Section 106.143(2), Florida Statutes, failure of a candidate person running for a partisan office to mark his or her the political advertisement of a candidate running for partisan office with his or her the candidate's political party affiliation or to indicate that he or she is running with no party affiliation. A fine of \$200 shall be imposed for each violation.;

(h)(g) Section 106.143(3), Florida Statutes, prohibiting a candidate or any person on behalf of a candidate from representing in a political advertisement that a person or an organization supports the candidate before obtaining the written approval of that person or organization. A fine of \$200 shall be imposed for each violation.;

(i)(h) Section 106.143(4)(a), Florida Statutes, failure of a person offering a political advertisement on behalf of a candidate to obtain approval from the candidate before circulating the advertisement. A fine of \$200 shall be imposed for each violation.;

(j)(i) Section 106.143(4)(a), Florida Statutes, failure of a candidate or a person on behalf of a candidate to state on the candidate's political advertisement that the content of the advertisement was approved by the candidate and to identify of the identity of the person who paid for the advertisement. A fine of \$250 shall be imposed for each violation.;

(k)(j) Section 106.143(4)(a), Florida Statutes, failure of a candidate to provide the news media with a written statement authorizing the content of each political advertisement submitted to the media for distribution. A fine of \$250 shall be imposed for each violation.;

(l)(k) Section 106.143(4)(b), Florida Statutes, failure of a person making an independent expenditure for a political advertisement submitted to the news media for distribution to provide the media with a written statement that no candidate approved of the advertisement. A fine of \$200 shall be imposed for each violation.;

(m)(l) Section 106.143(4)(b), Florida Statutes, failure of a person making an independent expenditure for a political advertisement submitted to the news media for distribution to state on the advertisement that no candidate approved the advertisement. A fine of \$200 shall be imposed for each violation.;

(n)(m) Section 106.143(5), Florida Statutes, prohibiting a candidate person who is not the incumbent from using including the word "re-elect" in his or her a political advertisement. A fine of \$200 shall be imposed for each violation.;

(o)(n) Section 106.143(5), Florida Statutes, failure of a candidate person in a political advertisement of a candidate who is not the incumbent from including to use the word "for" in his or her political advertisement between his or her the candidate's name and the office for which the he or she candidate is running, unless incumbency is implied. A fine of \$100 shall be imposed for each violation.;

(p)(o) Section 106.1435(3), Florida Statutes, prohibiting a person from placing or locating a political advertisement on or above any state or county road right-of-way. A fine of \$100 shall be imposed for each violation.;

(q)(p) Section 106.1437, Florida Statutes, failure of a person sponsoring a political advertisement intended to influence public policy or the vote of a public official to include a clearly readable statement of sponsorship. A fine of \$200 shall be imposed for each violation.;

(r) Section 106.1439(1), Florida Statutes, failure of a person making an expenditure for an electioneering communication to mark prominently the electioneering communication with the required disclaimer. A fine of \$250 shall be imposed for each violation.

~~(q) Section 106.148, Florida Statutes, failure of a candidate, political party, political committee, or committee of continuous existence or an agent of a candidate, political party, political committee or committee of continuous existence to include a political disclaimer on a message placed on an information system accessible by computer by more than one person. A fine of \$200 shall be imposed for each violation; and~~

~~(s)(†) Section 106.19(1)(a), Florida Statutes, prohibiting a person from accepting a contribution in excess of the limits prescribed by Section 106.08, Florida Statutes, if the excessive contribution is returned to the donor within 14 days of receipt. A fine of \$200 shall be imposed for each violation.~~

(3) Upon the executive director's determination that an alleged violation is a minor violation as defined by this rule, the executive director shall offer the respondent an opportunity to enter into a consent order to pay the fine or fines designated above. The consent order shall provide that the respondent neither admits nor denies the allegations.

(4) The Commission shall approve the consent order unless it determines that the requirements of this rule have not been met.

Specific Authority 106.26(12) FS. Law Implemented 106.26(12) FS. History—New 1-11-99, Amended 2-14-00, 1-2-02, _____.

2B-1.004 Hearings Before the Commission.

(1) If a respondent who is entitled to a formal hearing does not elect to proceed before the Division of Administrative Hearings, and the Commission does not refer the case to Division of Administrative Hearings, the executive director shall schedule the formal hearing before the Commission.

(2) At the time the hearing is scheduled, the Chairman shall issue a pre-hearing order form, Pre-hearing Order ~~Form~~, FEC 002, effective _____, 1-11-99, which is hereby adopted and incorporated by reference. The order shall require the parties to file a joint pre-hearing statement at least five working days before the scheduled hearing date. The pre-hearing order shall provide the date of the hearing and the date the pre-hearing statement must be filed. The pre-hearing order shall require the parties to confer and file a joint pre-hearing statement that provides the following information:

(a) The name, address and telephone number of each person intended to be called as a witness by either party.

(b) A stipulation by the parties setting forth:

1. The facts that are not in dispute;
2. The facts that are in dispute;

3. A list of all exhibits that the parties agree should be admitted into evidence;

4. A list of exhibits to which either party objects, the nature of the objection and a response to the objection; and

5. An estimate of the time that each party believes shall be necessary to present the formal hearing to the Commission.

(c) Should the parties fail to reach a joint pre-hearing statement, each party shall be required to file a unilateral pre-hearing statement that also included the reasons that a joint pre-hearing statement was not filed.

(3) When necessary to expedite the processing of agency matters on behalf of the public, the Chairman shall designate one or more Commissioners to hear any motion filed by a party that is not dispositive of the case pending before the Commission.

(4) Upon the request of any party, the Commission clerk shall schedule a motion hearing on any pending motion, so long as the motion is not dispositive of the matter pending before the Commission, a designated Commissioner may ~~is available~~ to hear the motion, and adequate notice and opportunity to appear in person or by telephone can be provided to the parties.

(5) When necessary to secure the just, speedy, and inexpensive determination of a case, the Chairman shall direct that one or more Commissioners hear any formal hearing, informal hearing, or dispositive motion hearing.

(a) Designation of the specific Commissioner or Commissioners to hear a formal hearing, informal hearing or dispositive motion shall be made only by a majority of the Commissioners voting.

(b) The Commission ~~commission~~ clerk shall notify the parties of the designation of a Commissioner or Commissioners and shall notice the hearing.

(c) The designated Commissioner or Commissioners shall hear the evidence and argument presented by the parties during a formal hearing, informal hearing or dispositive motion hearing.

(d) The designated Commissioner or Commissioners hearing the case shall file a report with the Commission clerk within 30 days of receiving any post hearing submissions from the parties. The report shall contain a recommended order that includes findings of fact, conclusions of law, a recommended disposition or penalty, if applicable, and any exceptions and responses filed by the parties. The report shall be served upon the parties.

(e) The Commission shall review the report, deliberate and reach a decision in the case. The designated Commissioner or Commissioners hearing the case shall not participate in the deliberation or vote of the Commission.

(6) Upon the Commission's determination of the outcome of a case after formal hearing or after reviewing the report of the designated Commissioner or Commissioners, the Commission's counsel shall prepare a proposed final order.

(7) A clerical mistake in a final order arising from oversight or omission may be corrected by the Commission at any time on its own initiative or on the motion of any party.

Specific Authority 106.24(5), 106.26 FS. Law Implemented 106.24(5), 106.26 FS. History—New 1-11-99, Amended 1-2-02,_____.

2B-1.0045 Award of Attorney's Fees.

(1) If the Commission determines that a complainant has filed a complaint against a respondent with a malicious intent to injure the reputation of such respondent by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation Chapter 104 or 106, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the complainant, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

(2) To claim costs and attorney's fees, the respondent shall file a petition with the Commission clerk within 30 days following dismissal of the complaint. The petition shall state with particularity the facts and grounds that prove entitlement to costs and attorney's fees. The Commission clerk shall forward a copy of the petition to the complainant by certified mail at the most recent address on file with the Commission.

(3) At an informal hearing, the Commission shall determine whether the petition contains sufficient facts and grounds to support a claim for cost and attorney's fees. If the petition does not contain sufficient facts and grounds to support such a claim, the Commission shall dismiss the petition. If the petition contains sufficient facts and grounds to support such a claim, the Commission shall order a formal hearing be held before the Commission or a Commissioner or Commissioners designated by the Commission, or refer the petition to the Division of Administrative Hearings for a formal hearing.

(4) The parties to the claim shall be the respondent and the complainant. The respondent shall prove by clear and convincing evidence that he or she is entitled to an award of costs and attorney's fees. The Commission shall review the recommended order of the designated Commissioner or Commissioners or the administrative law judge and the parties' exceptions before entering a final order.

Specific Authority 106.24(5), 106.26 FS. Law Implemented 106.265(5) FS. History—New _____.

2B-1.005 Appeal of Fines Imposed by Filing Officers.

(1) To appeal a fine imposed pursuant to Section 106.04(8) or 106.07(8), Florida Statutes, the candidate, chairman of a political committee, or treasurer of a committee of continuous existence shall file a notice of appeal. The notice of appeal shall be filed with the ~~Commission~~ ~~commission~~ clerk, and a

copy filed with the filing officer, within 20 days of the appealing party's receipt of notice that a fine is being imposed. The notice of appeal shall contain:

(a) The name, address and telephone number of the appealing party;

(b) A copy of the notice of imposition of fine issued by the filing officer; and

(c) A request for hearing if a personal appearance before the Commission is desired. If no hearing request is made, the appeal shall be decided solely on the documents submitted by the appealing party and Commission staff.

(2) Failure to timely file a notice of appeal shall result in waiver of the right to appeal the fine and a final order upholding the fine shall be entered by the Chairman of the Commission without further notice.

(3) Upon receipt of a timely notice of appeal, the Commission staff shall notify the appealing party that the appeal has been accepted. The appealing party shall have 20 days from acceptance of the appeal to submit any documents supporting the appeal.

(4) The Commission shall uphold the fine imposed by the filing officer unless the appealing party presents credible evidence that the report was timely filed or credible evidence that there were ~~that~~ unusual or other such circumstances that caused the report to be filed late. Credible evidence is evidence that is from a credible source and is so natural, reasonable and probable as to make it easy to believe. The Commission shall give greater weight to a written statement that is certified to have been made under oath in the presence of a notary or other person authorized by law to administer oaths.

(5) If a hearing has been requested, the Commission clerk shall notify the appealing party of the date and location of the hearing. Convenience of location of the hearing shall not be a basis for continuing the hearing. The Commission is not required to provide notice of its consideration of the appeal if the appealing party did not request a hearing.

(6) Unless good cause is shown, the Commission will not consider at the hearing any written document unless the party offering the document has filed it with the Commission clerk at least ten days before the hearing.

Specific Authority Ch. 97-13, Sec. 52, Laws of Florida. Law Implemented 106.04(8), 106.07(8) FS. History—New 9-14-86, Amended 10-19-86, Formerly 1D-1.005, Amended 1-12-98,_____.

2B-1.0052 Fine Imposed; Timely Filed Reports.

(1) Campaign treasurer's reports are required to be filed in the office of the filing officer by 5 p.m. on the due date. A report is deemed timely filed if it is postmarked before midnight on the due date.

(2) If a report is received by the filing officer without a postmark or with an illegible postmark within five days of the due date and it is delivered to the filing officer by the United States Postal Service, it shall be deemed timely filed.

(3)(2) If a report is received by the filing officer without a postmark or with an illegible postmark more than five days after the due date or it is delivered to the filing officer by a mail delivery service other than the United States Postal Service and there is no postmark or the postmark is illegible, it shall not be deemed timely filed unless the appealing party submits a copy of a proof of mailing or at a hearing before the Commission, presents the oral testimony of the person who timely mailed the report. The proof of mailing submitted shall reflect that it was obtained from the United States Postal Service or other mail delivery service at the time of mailing and shall reflect that the report was mailed before midnight on the due date. The testimony presented shall indicate that the report was mailed so that it would have received a postmark or a legible postmark on the report's due date but for the failure of the United States Postal Service to properly mark the report.

(3) A metered postage mark does not constitute a postmark or a proof of mailing.

Specific Authority 106.26(1) FS., Ch. 97-13, Sec. 52, Laws of Florida. Law Implemented 106.04(8), 106.07(8) FS. History—New 1-12-98, Amended 1-2-02, _____.

2B-1.0055 Late-filed Reports; Unusual Circumstances.

(1) Unusual circumstances mean uncommon, rare or sudden events over which the actor has no control and which directly result in the failure to act according to the filing requirements. Unusual circumstances must occur within a time period that would clearly prevent the person legally responsible for filing the report from doing so in a timely manner.

(a) Unusual circumstances shall not include the failure of the United States Postal Service or other mail delivery service to postmark an envelope, legibly postmark an envelope, or timely deliver mail.

(b) Unusual circumstances shall not include the failure of the sender to affix sufficient postage to a report that is being mailed.

(2) The following events shall constitute unusual circumstances so long as the events clearly interfered with filing the report.

(a) Natural disaster or other emergency that prevented timely filing. Evidence submitted shall include copies of newspaper reports or other documents from an independent and reliable source that documents the nature, date, and location of the natural disaster or emergency.

(b) Death of the candidate or campaign treasurer or an immediate family member of the candidate or campaign treasurer. Evidence submitted shall include a copy of the death certificate, newspaper obituary, or funeral program or notice.

(c) Serious illness, disability or non-elective surgery of the candidate or campaign treasurer. Evidence submitted shall include a physician's certification on professional letterhead stationery that includes the dates of the illness, disability, or surgery; a statement regarding the period of time that the

patient was incapacitated; and a statement that surgery, if any, was not elective. The period of incapacitation may also be shown by copies of hospital records reflecting the dates of hospitalization.

(d) Serious illness, disability or non-elective surgery of the candidate's or campaign treasurer's immediate family member. Evidence submitted shall include evidence of the candidate's or treasurer's relationship to the family member, the location of the family member, and the reason the candidate or campaign treasurer's presence was required. Evidence submitted shall also include a physician's certification on professional letterhead stationery that includes the dates of the illness, disability, or surgery; a statement regarding the period of time that the patient was incapacitated; a statement that surgery, if any, was not elective; and a statement that the patient required the care of a family member.

(e) Computer or equipment failure caused by events that could not have been anticipated and that made timely filing of the report impossible. Power outages or program failure does not constitute unusual circumstances unless it is established that reasonable precautions to assure the safety of the equipment or the ability of the program to perform as anticipated were taken before the events causing failure of the equipment or program.

(f) The abrupt and unexpected loss of the campaign treasurer, over which the appealing party had no control. The loss of the campaign treasurer shall not constitute unusual circumstances if the appealing party failed to monitor the campaign treasurer's performance before his or her departure or if the appealing party failed to assure prompt preparation of the report after the treasurer's departure.

(g) Failure of the filing officer to e-mail, telephone, or mail a letter to the candidate, chairman of a political committee, or treasurer of a committee of continuous existence that a report is late no later than seven days after the report was due shall constitute unusual circumstances if ~~the report was filed more than 13 days after it was due~~ and the appealing party establishes that lack of notice clearly interfered with the timely filing of the report. The fine imposed by the filing officer shall be reduced to the amount that would have been imposed had the report been filed 13 days late.

Specific Authority 106.26(1) FS., Ch. 97-13, Sec. 52, Laws of Florida. Law Implemented 106.04(8), 106.07(8) FS. History—New 1-12-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Elections Commission

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

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

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Inmate Grievances – Terminology and Definitions	33-103.002
Inmate Grievances – Staff and Inmate Participation	33-103.004
Informal Grievance	33-103.005
Formal Grievance – Institution or Facility Level	33-103.006
Appeals to the Office of the Secretary	33-103.007
Grievances of a Medical Nature	33-103.008
Grievances Regarding Lost Personal Property	33-103.010
Inmate Grievances – Time Frames	33-103.011
Grievance Records	33-103.012
Classification of Grievances	33-103.013
Reasons for Return of Grievance or Appeal Without Processing	33-103.014
Inmate Grievances – Miscellaneous Provisions	33-103.015
Inmate Grievances – Reprisal	33-103.017
Evaluation of the Grievance Procedure	33-103.018
Inmate Grievances – Forms	33-103.019

PURPOSE AND EFFECT: The purpose and effect of the proposed rule 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.

SUMMARY: The proposed rules add definitions of terms used in conjunction with the inmate grievance process; clarify provisions related to the review process; and eliminate unnecessary language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 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 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES 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)(43)(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)(43)(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)(43)(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)(43)(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, a grievance regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., 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.

(i) Grievance regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C.

(4) No change.

(5) Upon receipt of the formal grievance, the recipient [reviewing authority as defined in paragraphs 33-103.002(15)(13)(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)(13)(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)(13)(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)(13)(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 R~~ecord 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 envelop 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, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., or grievances involving gain time governed by Rule Chapter 33-601.101, 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, _____.

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, _____.

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, _____.

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.

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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Celeste Kemp

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2004

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Offender Orientation

RULE NO.: 33-302.109

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

SUMMARY: The proposed rule deletes unnecessary language related to correctional probation officer tasks, reference to obsolete or unnecessary forms, and language which is duplicative of statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.109 Offender Orientation.

(1) Correctional probation officers shall meet with an offender within two working days of offender assignment or the onset of supervision to provide orientation to the offender as to the conditions of supervision and instructions regarding supervision.

~~(a) Orientation shall be in a language understood by the offender and accommodations shall be made in the event an offender has a documented disability or language barrier.~~

~~(b) Upon receipt of the offender file with the order of supervision, the correctional probation officer shall verify the information contained therein.~~

~~(2) Orientation topics shall include:~~

~~(a) An introduction explaining the role of the correctional probation officer in supervising the offender;~~

~~(b) A review of the offender's disposition or commitment information and supervision status;~~

~~(c) Instructions and review of all conditions of supervision, including:~~

~~1. Standard conditions of supervision established by statute including the following:~~

- ~~a. Reporting requirements;~~
- ~~b. Residence and employment;~~
- ~~e. Statutory employment restrictions;~~
- ~~d. Travel restrictions;~~
- ~~e. Violations of the law;~~
- ~~f. Supporting legal dependents;~~
- ~~g. Association with persons engaged in criminal activity;~~
- ~~h. Random substance abuse testing;~~
- ~~i. Possessing, carrying, or owning a firearm or weapon;~~
- ~~j. Use of intoxicants to excess or possessing non-prescription narcotics;~~
- ~~k. Cost of supervision;~~
- ~~l. Following instructions;~~
- ~~m. Answering inquiries truthfully, and,~~
- ~~n. Visits by the correctional probation officer to the offender's residence or other location within the community.~~

~~2. Instruction and review of any special conditions imposed by the court or releasing authority including:~~

- ~~a. Restitution;~~
- ~~b. Court costs, fines, or other financial obligations;~~
- ~~e. Public service work requirements;~~
- ~~d. Evaluation and treatment requirements;~~
- ~~e. Prohibitions against contact with the victim or victims;~~

- ~~f. Participation in education or self-improvement programs;~~
- ~~g. Participation in HIV or AIDS awareness programs;~~
- ~~h. Incarceration required as a condition of supervision;~~
- ~~i. Victim-related special conditions; and,~~
- ~~j. Any other special conditions imposed by the court or releasing authority.~~

~~(2)(3) Offenders shall be provided an opportunity to ask questions or request clarification of any or all of the conditions of his or her supervision.~~

~~(a) After acknowledging an understanding of the conditions of supervision, the offender shall sign and date the orders of supervision. If an offender refuses to sign and date the conditions of probation, the correctional probation officer shall make note of this on the orders of supervision.~~

~~(b) The offender shall be provided with a copy of the orders of supervision.~~

~~(4) Restoration of Civil Rights~~

~~(a) If the offender is convicted of a felony offense, the officer shall advise the offender that statutory employment restrictions may apply during the supervision period until the offender's rights are restored.~~

~~(b) If the offender was adjudicated guilty, the officer shall advise the offender that more information regarding the restoration of civil rights process shall be provided within 60 to 90 days of the offender's scheduled termination date. Within 60 to 90 days of the scheduled termination date, the officer shall utilize Form NII 027, Notification of Civil Rights Review Process, to review this process. Form NII 027 is incorporated by reference in Rule 33-302.111, F.A.C.~~

~~(c) The officer shall direct further questions regarding the civil rights review process to the Office of Executive Clemency.~~

~~(5) The correctional probation officer shall instruct on and review the information contained in Section 944.512, F.S., which prohibits all felons convicted in Florida or their assignees, from receiving any financial benefits from literary or cinematic accounts of crimes for which the offender was convicted and which empowers and sets guidelines for the courts to place liens upon proceeds payable or accruing to offenders, or their assignees.~~

~~(a) The correctional probation officer and offender shall sign and date an Acknowledgment of Understanding of Responsibilities for Notification of Involvement in Crimes Accounts, Form DC1 204, certifying that the offender has received instructions regarding requirements stated in Section 944.512, F.S. Form DC1 204 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399 2500. The effective date of this form is July 19, 2001.~~

~~(b) The correctional probation officer shall provide the offender with a copy of the executed Form DC1-204 and place the original in the offender file.~~

~~(6) The correctional probation officer shall instruct on and review the information contained in the Instructions to the Offender, Form DC3 246. Form DC3 246 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399 2500. The effective date of this form is January 6, 2004.~~

~~(a) The contents of Form DC3-246 include:~~

- ~~1. The offender grievance procedure;~~
- ~~2. The means whereby the offender may obtain twenty four hour emergency access to the correctional probation office or officer;~~
- ~~3. Drug testing procedures;~~
- ~~4. Criminal registration requirements;~~
- ~~5. Firearms prohibition instructions; and,~~
- ~~6. Employer notification instructions.~~

~~(b) The correctional probation officer and offender shall sign and date Form DC3-246, Instructions to the Offender, certifying that the offender has received orientation regarding the topics listed in section (6)(a).~~

~~(c) The original executed Form DC3 246 shall be placed in the offender file and a copy shall be provided to the offender.~~

~~(3)(7) No change.~~

Specific Authority 944.09 FS., 45 CFR 164.520 Law Implemented 20.315, 944.09 FS., 45 CFR Part 160, 164. History-New 7-19-01, Amended 9-15-02, 7-30-03, 1-6-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beth Atchison

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 27, 2004

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

DEPARTMENT OF CORRECTIONS

RULE TITLES:	RULE NOS.:
Preparation of Disciplinary Reports	33-601.304
Inmate Discipline – Investigation	33-601.305
Disciplinary Hearings	33-601.307
Inmate Discipline – Forms	33-601.313

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide clarification for preparation of disciplinary reports, the handling of physical and audio/videotape evidence, and inmate appearance and participation at disciplinary hearings.

SUMMARY: The requirement for inclusion of staff witnesses and use of force information on the statement of facts on the disciplinary report is removed. New guidelines and forms

addressing the disposition of physical evidence and audio/videotape evidence are being added. New language provides that an inmate's waiver of the right to be present at the disciplinary hearing also constitutes waiver of the right to submission of a written statement to the disciplinary team or hearing officer. Witness names must be listed on a specific form in order to be considered.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 120.55, 944.09, 944.34, 945.04 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-601.304 Preparation of Disciplinary Reports.

(1) No change.

(2) The statement of facts shall include

(a) through (d) No change.

~~(e) Any staff witnesses;~~

~~(e)(f)~~ No change.

~~(f)(g) Any immediate action taken, including use of force;~~
and

~~(g)(h)~~ No change.

(3) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 3-12-84, Formerly 33-22.05, Amended 12-30-86, 10-1-95, Formerly 33-22.005, Amended 5-21-00, 2-11-01, _____.

33-601.305 Inmate Discipline – Investigation.

The investigating officer shall initiate the investigation of the infraction within 24 hours of the writing of the disciplinary report. The investigating officer is responsible for the following:

(1) No change.

(2) Interviewing the charged inmate. When interviewing the charged inmate the investigator is responsible for the following:

(a) through (d) No change.

(e) Asking the inmate if there are any witnesses or evidence to offer in the inmate's behalf.

(f) Completing and obtaining the inmate's signature on the Witness Disposition, Form DC6-112B, and the Documentary or Physical Evidence Disposition, Form DC6-151. Form DC6-112B and Form DC6-151 are ~~is~~ incorporated by reference in Rule 33-601.313, F.A.C.

(g) Completing Form DC6-2028, Disposition of Videotape/Audiotape Evidence, when necessary. Form DC2-2028 is incorporated by reference in Rule 33-601.313, F.A.C.

(3) Interviewing additional persons who may have information pertaining to the infraction, including those who are listed in the statement of facts ~~or specifically referenced by the charging staff person or specifically identified by the charged inmate.~~

(4) Reviewing documentary or physical evidence referenced by the charging staff person or identified by the charged inmate on Form DC6-151, Documentary or Physical Evidence Disposition. When the evidence is a videotape or audiotape identified by the inmate, the inmate must also include a written statement on Form DC6-151 describing what he expects the tape to show. Failure to complete and sign Section II on Form DC6-151 will result in a waiver of the opportunity to have documentary or physical evidence presented at hearing. The investigator shall determine whether, based upon review of the tape itself or the capabilities of the particular taping equipment, the tape described by the inmate does or does not provide evidence to support the inmate's statement. If the investigator determines that the tape provides evidence to support the inmate's statement, he shall prepare a summary for the investigative report. If the investigator determines that the tape does not provide evidence to support the inmate's statement, the inmate will be provided with the following written statement: "Based upon review of the identified tape or the capabilities of the particular taping equipment, the tape requested does not provide evidence to support the inmate's statement." The investigator shall provide on Form DC6-2028, Disposition of Videotape/Audiotape Evidence, a detailed description of why the tape did not provide evidence to support the inmate's statement. In the interest of institutional security, this form shall not be provided to the inmate, but shall be retained with the other disciplinary report documentation.

~~(5)(4)~~ No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 10-1-95, Formerly 33-22.0055, Amended 5-21-00, 2-11-01, _____.

33-601.307 Disciplinary Hearings.

(1)(a) No change.

(b) The inmate charged shall be present at the disciplinary hearing unless substantial reasons precluding the inmate's presence exist or the inmate has waived his right to be present. If the inmate waives the right to be present or refuses to be present, the 24 Hour/Refusal to Appear, Form DC6-112D, shall

be signed by the inmate and witnessed by an employee. If the inmate refuses to sign the form, this shall be noted and signed by the employee. When an inmate waives the right to be present at the hearing, the inmate also waives the right to submission of ~~may submit at the time of the refusal~~ a written statement ~~which shall be delivered~~ to the disciplinary team or hearing officer. If the inmate's disruptive conduct makes it necessary to remove the inmate from the hearing, the hearing shall be conducted in the inmate's absence. The reason for the inmate's absence shall be explained in the basis of findings section of the disciplinary report.

(c) through (f) No change.

(g) If the inmate pleads "guilty," no further evidence needs to be heard. If the inmate pleads "not guilty," evidence is to be presented, including witness statement forms obtained from witnesses. If evidence is not revealed to the inmate, the reason(s) shall be documented in the comment basis of findings section of the Witness Disposition Form, DC6-112B, or the comments section of the Disposition of Videotape/Audiotape Evidence, Form DC6-2028, depending on the nature of the evidence, and in the witness comments section in the department's automated database disciplinary report. The inmate may make only an oral ~~any~~ closing statement, ~~written or verbal,~~ concerning the infraction for consideration by the hearing officer or disciplinary team. In the event the inmate refuses to enter a plea, it shall be treated as a "not guilty" plea insofar as hearing procedures are concerned. A "no contest" plea shall be handled as a guilty plea.

(h) through (2) No change.

(3) The inmate may request that witnesses appear at the hearing, but inmate witnesses shall not be routinely called before the disciplinary team or hearing officer to provide live testimony for the following reasons:

(a) through (c) No change.

(d) Failure to sign and complete the witness disposition form, DC6-112B, during the investigation constitutes waiver of the opportunity to call witnesses either live or by written statement. Form DC6-112B must be used for listing witnesses. Listing witness names on any other document, including the Witness Statement, Form DC6-112C, will not result in their being considered.

(e) through (5) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 3-12-84, Formerly 33-22.06, Amended 12-30-86, 10-1-95, 12-10-97, 5-19-98, Formerly 33-22.006, Amended 5-21-00, 2-11-01, _____

33-601.313 Inmate Discipline – Forms.

(1) The following forms used in implementing the provisions of this chapter are hereby incorporated by reference:

(a) DC6-112E, Disciplinary Hearing Worksheet, effective date 5-21-00.

(b) through (f) No change.

(g) DC6-151, Documentary or Physical Evidence Disposition, effective date _____.

~~(h)(g)~~ No change.

~~(i)(h)~~ No change.

(j) DC6-2028, Disposition of Videotape/Audiotape Evidence, effective date _____.

(2) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 120.55, 944.09, 944.34, 945.04 FS. History--New 10-1-95, Formerly 33-22.0117, Amended 5-21-00, 2-11-01, _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Sapp

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2004

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Fees
RULE NO.: 40C-1.603

PURPOSE AND EFFECT: The purposes and effects of this proposed rule amendment are to (1) create a fee for the processing of requests for modification by letter of environmental resource permits (ERPs) issued pursuant to Chapters 40C-4, 40C-40, or 40C-42, F.A.C., (2) create a new provision covering the fee for modification of individual or conceptual ERPs, or mitigation bank permits or conceptual approval permits that occur by issuance of a standard ERP (under a separate proposed amendment to subsection 40C-40.302(5), F.A.C.), to ensure that the effect of the separate proposed amendment is revenue-neutral, (3) delete provisions that currently require only a \$100.00 fee for variance requests to the general prohibition of construction in shellfish harvesting waters, to match the higher fee required for all other types of variances associated with an ERP or wetland resource management permit application, (4) create a provision charging ERP, ERP stormwater, and mitigation bank permit or conceptual approval permit applicants who submit less than the required five copies of the permit application package an additional fee to more fully offset the District's costs, unless the application package is received electronically via the District's E-Permitting website.

SUMMARY: This proposed rule amendment would (1) create a fee for letter modifications of ERP and ERP stormwater permits in paragraph 40C-1.603(5)(e), subparagraph 40C-1.603(5)(f)6., and paragraph 40C-1.603(6)(c), F.A.C., (2) create a new provision covering the fee for standard ERP applications qualifying under subsection 40C-40.302(5), F.A.C., that seek to modify an individual or conceptual ERP, or a mitigation bank permit or conceptual approval permit, to

keep the application fee the same as the fee that was previously charged for applications to modify such permits in subparagraphs 40C-1.603(5)(f)4.-5., F.A.C., (3) revise the fee charged for shellfish harvesting waters variances associated with an ERP or wetland resource management permit application to match the fee charged for all other variances for those applications in paragraphs 40C-1.603(5)(h) and 40C-1.603(8)(e), and (4) create a provision in subsection 40C-1.603(13), F.A.C., to charge ERP, ERP stormwater, mitigation bank permit and conceptual approval permit applicants a fee for each copy less than the required five copies of the application package provided, unless the application package is received electronically via the District's E-Permitting website.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.109 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Regulatory Meeting, which begins at 1:00 p.m., January 11, 2005

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Ann Freeman, (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, e-mail: nmesser@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-1.603 Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1,

1990, governmental entities shall be required to submit the fees established except as provided in subsection (14)(13). This fee recovers some of the District's costs of processing applications. The fee schedule is:

- (1) through (4) No change.
- (5) Chapter 40C-4, F.A.C., environmental resource permits:
 - (a) through (d) No change.
 - (e) Requests for modification by letter of individual or conceptual environmental resource permits, or mitigation bank permits or conceptual approval permits \$ 250
 - (f) Chapter 40C-40, F.A.C., standard environmental resource permits:
 - 1. through 3. No change.
 - 4. Applications qualifying under subsection 40C-40.302(5), F.A.C., for modification of individual or conceptual environmental resource permits, or mitigation bank permits or conceptual approval permits, where the total land area of a project is not increased \$1,000
 - 5. Applications qualifying under subsection 40C-40.302(5), F.A.C., for modification of individual or conceptual environmental resource permits, or mitigation bank permits or conceptual approval permits, where the total land area of a project is increased \$3,000
 - 6. Requests for modification by letter of Chapter 40C-40, F.A.C., standard environmental resource permits \$ 150
 - (g)(f) No change.
 - (h)(g) Variances associated with an environmental resource permit application:
 - 1. Variances from paragraph 12.2.5(c), Applicant's Handbook: Management and Storage of Surface Waters \$ 100
 - 2. Other Variances \$ 500
 - (h) through (k) renumbered (i) through (l) No change.
 - (6) Chapter 40C-42, F.A.C., environmental resource stormwater permits and conceptual approval environmental resource stormwater permits:
 - (a) through (b) No change.
 - (c) Requests for modification by letter of Chapter 40C-42, F.A.C., permits \$ 100
 - (7) No change.
 - (8) Chapters 62-4 and 62-312, F.A.C., wetland resource management (dredge and fill) permits issued pursuant to the grandfathering provisions of subsections 373.414(11) through (16), F.S.
 - (a) through (d) No change.

(e) Variances from permitting standards, permit conditions, or water quality standards associated with a wetland resource permit application:

~~1. Variances from prohibition of subsection 62-312.080(7), F.A.C. \$ 100~~

~~2. Other variances \$ 500~~

(9) through (12) No change.

(13) For individual, conceptual, and standard environmental resource permit, environmental resource stormwater permit, and mitigation bank permit and conceptual approval permit applications that fail to provide five copies of the application package (which package includes the signed application form, construction plan drawings, and other supporting information), for each missing application package the application fee shall be increased as follows:

(a) Chapter 40C-4, F.A.C., individual and conceptual environmental resource permits, and mitigation bank permits and conceptual approval permits \$ 200

(b) Chapter 40C-40, F.A.C., standard environmental resource permits \$ 100

(c) Chapter 40C-42, F.A.C., permits \$ 100

However, this additional fee shall not apply when the application package is received electronically via the District's E-Permitting website at www.sjrwmd.com.

~~(14)~~(13) No change.

Specific Authority 373.044, 373.113, 373.421(2) FS. Law Implemented 218.075, 373.109, 373.421(2) FS. History—New 10-1-87, Amended 6-1-88, 10-17-88, Formerly 40C-1.202, Amended 8-1-89, 10-19-89, 8-19-90, 7-21-91, 7-23-91, 8-11-91, 9-25-91, 11-12-91, 10-20-92, 11-30-92, 1-6-93, 12-6-93, 1-23-94, 4-12-95, 1-4-96, 4-25-96, 10-2-96, 10-11-01, 4-10-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Thomas Mayton, Sr. Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108, Suncom 860-4108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2004

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Publications Incorporated by Reference	40C-4.091
Content and Processing of the Application	40C-4.101
Modification of Permits	40C-4.331
Emergency Authorization	40C-4.451
Forms and Instructions	40C-4.900

PURPOSE AND EFFECT: The purposes and effects of these proposed rule amendments are to (1) clarify that the requirement to submit five copies of the environmental resource permit (ERP) application package does not apply when the application package is received electronically via the District's E-Permitting website (consistent with a proposed amendment to subsection 40C-1.603(13), F.A.C.), (2) clarify that both individual and standard ERPs can be modified, (3) revise the conditions for when a proposed modification to an existing permit qualifies for a non-substantial letter modification, to reduce processing time and costs for applicants and to clarify those conditions, (4) clarify that letter requests for modification of ERPs require a fee (consistent with a proposed amendment to paragraph 40C-1.603(5)(e), subparagraph 40C-1.603(5)(f)6., and paragraph 40C-1.603(6)(c), F.A.C.), to make it clear that receipt of the fee is a condition for issuance, (5) clarify existing language concerning approval of a request for modification of an ERP by letter, (6) repeal the rule regarding emergency authorization because it is obsolete and the subject is covered by 40C-1.1009, F.A.C., (7) delete the reference to individual stormwater permits in the application form because all stormwater permit applications will be initially processed as applications for standard general permits (due to a separate proposed amendment to subsection 40C-42.024(2), F.A.C.), (8) revise the standard ERP threshold in section 3.3.2(c), Applicant's Handbook: Management and Storage of Surface Waters, to add a provision regarding calculating the area of impacts to wetlands and other surface waters, to mirror the standard ERP threshold for wetlands and other surface waters in existing paragraph 40C-40.302(2)(c), F.A.C., (9) revise section 3.3.2, Applicant's Handbook: Management and Storage of Surface Waters, to allow certain applications to modify an individual, standard, or conceptual ERP or mitigation bank permit or conceptual approval permit to be processed as a standard ERP that would be issued by staff (consistent with a related proposed amendment to subsection 40C-40.302(5), F.A.C.), (10) clarify in sections 4.2.3 and 6.6.2, Applicant's Handbook: Management and Storage of Surface Waters, that the requirement to submit five copies of the ERP application package (or notice of intent to use a noticed general permit and supporting documents) does not apply when the application or notice is received electronically via the District's E-Permitting website (consistent with a proposed amendment to subsection 40C-1.603(13), F.A.C.), and (11) clarify in Sections 6.2.3 and 6.5.6, Applicant's Handbook: Management and Storage of Surface Waters, that when all objections to a standard environmental resource permit (ERP) application are withdrawn, the application will no longer be considered an application for an individual permit (which would have to be considered by the District's Governing Board).

SUMMARY: The proposed rule amendments would (1) clarify that the requirement to submit five copies of the ERP application package does not apply when the application

package is received electronically via the District's E-Permitting website in paragraph 40C-4.101(2)(a), F.A.C., (2) clarify that permits issued pursuant to Chapters 40C-4 or 40C-40, F.A.C., may be modified in subsection 40C-4.331(1), F.A.C., (2) revise and clarify the criteria for letter modifications in paragraph 40C-4.331(1)(b), F.A.C., (4) clarify that letter modifications require a fee in subsection 40C-4.331(3), F.A.C., (5) clarify existing language concerning approval of a request for modification of an ERP by letter in subsection 40C-4.331(3), F.A.C., (6) repeal the obsolete emergency authorization rule in 40C-4.451, F.A.C., (7) delete the reference to individual stormwater permits in the permit application form (subsection 40C-4.900(1), F.A.C.), (8) revise the standard ERP threshold in section 3.3.2(c), Applicant's Handbook: Management and Storage of Surface Waters, to mirror the standard ERP threshold in existing paragraph 40C-40.302(2)(c), F.A.C., (9) revise the standard ERP threshold to allow modification of individual, standard, or conceptual ERPs or mitigation bank permits or conceptual approval permits by staff-issued standard ERPs in section 3.3.2, Applicant's Handbook: Management and Storage of Surface Waters, (10) clarify in sections 4.2.3 and 6.6.2, Applicant's Handbook: Management and Storage of Surface Waters, that the requirement to submit five copies of the ERP application package (or notice of intent to use a noticed general permit and supporting documents) does not apply when the application or notice is received electronically via the District's E-Permitting website, and (11) clarify in sections 6.2.3 and 6.5.6, Applicant's Handbook: Management and Storage of Surface Waters, that when all substantial modifications to a standard ERP application are withdrawn, the application will not be considered by the District's Governing Board.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.406, 373.414, 373.418 FS.

LAW IMPLEMENTED: 373.083(5), 373.109, 373.116, 373.117, 373.146, 373.406, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.417, 373.418, 373.419, 373.423, 373.426, 373.439, 403.0877 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Regulatory Meeting, which begins at 1:00 p.m., January 11, 2005

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Ann Freeman, (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, e-mail: nmesser@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I "Policy and Procedures," Part II "Criteria for Evaluation," subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin," "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Marion County," and "Legal Descriptions of the Lake Apopka Hydrologic Basin," and Appendix M "Regional Watersheds for Mitigation Banking," of the document entitled "Applicant's Handbook: Management and Storage of Surface Waters," effective 11-11-03 .

(b) through (c) No change.

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.109, 373.146(1), 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History—New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, .

40C-4.101 Content and Processing of the Application.

(1) No change.

(2)(a) Each application for an individual or conceptual approval environmental resource permit shall be filed upon District form 40C-4.900(1). The applicant shall submit five copies of the application package (which package includes the signed application form, construction plans, and any

supporting documents describing the proposed system). The requirement to submit five copies shall not apply when the application package is received electronically via the District's E-Permitting website at www.sjrwmd.com.

- (b) No change.
- (3) through (6) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.146, 373.413, 373.416, 373.417 FS. History—New 1-31-77, Formerly 161-4.10, 40C-4.10, Amended 2-3-81, 12-7-83, Formerly 40C-4.101, 40C-4.0101, Amended 8-1-89, 2-27-94, 10-3-95, 1-4-96, _____.

40C-4.331 Modification of Permits.

(1) In addition to the modification of permits pursuant to Section 373.429, Florida Statutes, a request for modification of a valid permit issued pursuant to Chapters 40C-4 or 40C-40, F.A.C., may be made as set forth in this section. The request for modification shall be reviewed using the conditions for issuance in Rules 40C-4.301 and 40C-4.302, F.A.C.

- (a) No change.
- (b) By letter that describes the proposed modification, provided that the requested modification does not cause any of the following circumstances to occur:

1. Increase the project area by more than 10% or 1 acre, whichever is less, unless the system was permitted with stormwater treatment and flood attenuation capability sufficient to meet the permitting requirements for the proposed modification;

2. Increase proposed impervious surface by more than 10% or 0.5 acres, whichever is less, unless the system was permitted with stormwater treatment and flood attenuation capability sufficient to meet the permitting requirements for the proposed modification accounted for in the previously permitted design of the system;

3. Reduce the stormwater treatment or flood attenuation capability of the proposed system, unless the system was permitted with stormwater treatment and flood attenuation capability sufficient to meet the permitting requirements for the proposed modification;

4. through 9. No change.

10. Result in a net reduction in the area of a conservation easement or mitigation within the area which was previously permitted; or

11. Extend the duration of a permit by more than 2 years per permit modified; or

12. ~~11.~~ No change.

(2) No change.

(3) A request for modifications by letter in accordance with (1)(b) and (2), above, must be accompanied by the appropriate fee required by Rule 40C-1.603, F.A.C. A modification by letter may be approved only and acknowledged in writing by the Director, Department of Water Resources, Assistant Director, Department of Water Resources, or a Service Center Director. Any such approval will be provided in writing through correspondence to the applicant.

(4) No change.

Specific Authority 373.044, 373.113, 373.414, 373.418 FS. Law Implemented 373.083, 373.109, 373.413, 373.414, 373.416, 373.418, 373.426, 373.429 FS. History—New 2-20-77, Amended 12-26-77, Formerly 161-4.34, 40C-4.34, Amended 2-3-81, 12-7-83, Formerly 40C-4.331, 40C-4.0331, Amended 1-1-89, 10-11-01, _____.

40C-4.451 Emergency Authorization.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.426, 373.439 FS. History—New 12-7-83, Formerly 40C-4.451, 40C-4.0451, Repealed _____.

40C-4.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved the Governing Board and are available upon request from any of the District offices listed in Rule 40C-4.091, F.A.C.

(1) Joint Application for Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit, form number 40C-4.900(1), revised _____ adopted 10-3-95.

(2) through (10) No change.

Specific Authority ~~420.53(1)~~, 373.044, 373.113, 373.118, 373.406, 373.4136 FS. Law Implemented ~~420.52(16)~~, ~~420.53(1)~~, 373.085, 373.116, 373.117, 373.118, 373.103, 373.106, 373.229, 373.406, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.426, 403.0877 FS. History—New 5-30-90, Amended 11-12-91, 2-27-94, 10-3-95, 1-7-99, _____.

APPLICANT'S HANDBOOK SECTION:

3.3 Thresholds

3.3.1 No change.

3.3.2 A standard environmental resource permit is issued for a specific class of surface water management systems which meet the criteria specified in Chapters 40C-4, 40C-40, and 40C-41, F.A.C. (if applicable), and this Handbook, and which:

(a) through (b) No change.

(c) Do not involve regulated activities, including dredging or filling, in, on, or over a total of one acre or more of wetlands and other surface waters. However, calculation of the one acre area shall not include:

1. Ditches that were constructed in uplands;

2. Any isolated wetland with a surface area of less than 0.5 acres.

An application to modify an individual, standard, or conceptual environmental resource permit or a mitigation bank permit or conceptual approval permit shall be processed as a standard environmental resource permit so long as the scope of the modification by itself does not exceed the limitations listed in paragraphs (a)-(c), above.

4.2 Forms and Instructions

4.2.1 and 4.2.2 No change.

4.2.3 Five copies of each of the following must be submitted when applying for a permit: application form, construction plans, and any supporting documents describing the proposed system. The requirement to submit five copies shall not apply when the application package is received electronically via the

District's E-Permitting website at www.sjrwmd.com. When submitting a notice of intent for a noticed general permit, applicants must submit five copies of the notice form and supporting documents describing the system. The requirement to submit five copies shall not apply when the notice form and supporting documents are received electronically via the District's E-Permitting website. A list of required site and system design information is a part of the application or notice form. The applicant must also provide the appropriate permit processing fee.

Applicants are advised that the District's approval of a permit does not convey to the applicant, or create in the applicant any property right, or any interest in the real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the applicant.

6.2.3 If, upon District staff review, one of the following factors is present, an individual permit will be required:

- (a) The system exceeds specified threshold requirements; or
- (b) District staff holds a reasonable doubt that District criteria for evaluation are met; or
- (c) A substantial objection has been filed with the District in accordance with the provisions of subsection 6.5.6., unless the objection is later withdrawn in writing or on the record at a Governing Board meeting.

6.5.6 Objections Regarding Standard Permits

A substantial objection as defined in section 6.2.4 will automatically cause the application for a standard permit to be considered an application for an individual permit, unless the objection is later withdrawn in writing or on the record at a Governing Board meeting. Substantial objections must be filed with the District within 14 days of notification of the application. Notification of the application shall be deemed to be either the fifth day after the date on which the written notice is deposited in the United States mail if actual notice is mailed to the interested person, or the date that notice is published if actual notice is not mailed to the interested person. The applicant will be notified that an objection has been received and that the procedures for application for an individual permit must be followed. No additional fee will be required for standard permit applications which are upgraded to individual status as a result of objections as described above.

6.6 Noticed General Permits

6.6.1 No change.

6.6.2 When the form for a notice of intent to use a noticed general permit is completed and signed, five copies must be submitted to the District headquarters, or to one of the District offices indicated on the form, unless the notice form is received electronically via the District's E-Permitting website at www.sjrwmd.com. For the purposes of this subsection, the application form is only considered submitted when it is

actually received by the District. The notice of intent must include all supporting documentation, and the appropriate permit application fee.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Thomas Mayton, Sr. Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108, Suncom 860-4108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2004

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Standard Permit Application	40C-40.112
Conditions for Issuance of Permits	40C-40.302
Forms and Instructions	40C-40.900

PURPOSE AND EFFECT: The purposes and effects of these proposed rule amendments are to (1) clarify that the requirement to submit five copies of the application package does not apply when the application package is received electronically via the District's E-Permitting website (consistent with a proposed amendment to subsection 40C-1.603(13), F.A.C.), (2) delete the threshold limiting the number of proposed boat slips that can be processed for a standard permit application, to reduce the number of projects that must obtain individual permits and thereby reduce processing time and costs for applicants, (3) create a provision allowing an application to modify an individual, standard, or conceptual environmental resource permit or a mitigation bank permit or a conceptual approval permit to be processed as a standard permit so long as the scope of the modification by itself does not exceed the thresholds for a standard permit, (4) clarify that for standard permit applications for incidental site activities for work associated with an individual permit application, there must be no existing unpermitted or unauthorized impacts to wetlands or other surface waters within the project area of the individual permit application that require a permit, (5) clarify that for standard permit applications for incidental site activities for work associated with an individual permit application, that if the individual permit is denied or challenged, then the permit for the incidental site activity automatically expires and the permittee must stabilize the site within a certain number of days of permit expiration (depending on size of site), and (6) delete the reference to individual stormwater permits in the application form because all stormwater permit applications will be

initially processed as applications for standard general permits (due to a separate proposed amendment to subsection 40C-42.024(2), F.A.C.).

SUMMARY: The proposed rule amendment would (1) clarify in subsection 40C-40.112(1), F.A.C., that the requirement to submit five copies of the environment resource permit (ERP) application package does not apply when the application package is received electronically via the District's E-Permitting website, (2) delete the boat slip threshold in paragraph 40C-40.302(2)(d), F.A.C., (3) create new subsection 40C-40.302(5), F.A.C., to allow an application to modify an individual, standard, or conceptual ERP or a mitigation bank permit or a conceptual approval permit to be processed as a standard permit so long as the scope of the modification by itself does not exceed the thresholds for a standard permit, (4) clarify the criteria to obtain a standard permit for incidental site activities in paragraph 40C-40.302(6)(a), F.A.C., (5) clarify the time for expiration of a standard permit for incidental site activities and create a stabilization requirement in paragraph 40C-40.302(6)(g), F.A.C., and subsection (6) delete the reference to individual stormwater permits in the permit application form (subsection 40C-40.900(1), F.A.C.).

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.406, 373.414, 373.418 FS.

LAW IMPLEMENTED: 373.083(5), 373.117, 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.419, 373.423, 373.426, 403.0877 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Regulatory Meeting, which begins at 1:00 p.m., January 11, 2005

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Ann Freeman, (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, e-mail: nmesser@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-40.112 Standard Permit Application.

(1) To apply for a standard permit, the applicant must submit form 40C-4.900(1) to the District. The applicant shall submit five copies of the application package (which package includes the signed application form, construction plans, and any supporting documents describing the proposed system). The requirement to submit five copies shall not apply when the application package is received electronically via the District's E-Permitting website at www.sjrwmd.com.

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.406, 373.414, 373.418 FS. Law Implemented 373.083, 373.117, 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 403.0877 FS. History--New 12-7-83. Amended 2-27-94, 10-3-95, 1-4-96, 11-10-01, _____.

40C-40.302 Conditions for Issuance of Permits.

To qualify for a standard permit under this chapter, the permittee must give reasonable assurances that the surface water management system meets subsection (1) and all of the threshold conditions of subsection (2).

(1) General Conditions. The surface water management system must meet the conditions for issuance specified in Sections 40C-4.301 and 40C-4.302, F.A.C.

(2) Threshold Conditions.

(a) through (c) No change.

~~(d) The system must not include more than nine proposed boat slips.~~

(3) through (4) No change.

(5) An application to modify an individual, standard or conceptual environmental resource permit or a mitigation bank permit or a conceptual approval permit shall be processed as a standard permit so long as the scope of the modification by itself does not exceed the threshold conditions in subsection (2) above.

~~(6)~~(5) Notwithstanding the threshold conditions of subsection (2), a standard permit shall be authorized for incidental site activities which are in connection with the work set forth in an individual environmental resource permit application, provided:

(a) The applicant has submitted a complete individual environmental resource permit application for the project area that is the subject of the proposed incidental site activities, and there are no existing unpermitted or unauthorized impacts to

wetlands or other surface waters, within the project area of the individual environmental resource permit application, which require a District permit.

1. through 2. No change.

(b) through (f) No change.

(g) If the individual environmental resource permit is denied or administratively challenged, then the permit for the incidental site activity automatically expires and the permittee must stabilize the site by hydromulch or other equivalent erosion prevention measures within five days of expiration of such permit, or within 10 days of expiration of such permit if the permittee has begun incidental site activities on more than 20 acres of land within the project area authorized by the permit.

Specific Authority 373.044, 373.113, 373.406, 373.414, 373.418 FS. Law Implemented 373.083, 373.413, 373.414, 373.416, 373.418, 373.426 FS. History—New 12-7-83, Amended 9-25-91, 1-6-93, 2-27-94, 10-3-95, 1-11-99, 10-11-01, _____.

40C-40.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved by the Governing Board and are available upon request from:

St. Johns River Water Management District
Division of Permit Data Services

4049 Reid Street
Palatka, Florida 32177-2529

St. Johns River Water Management District
7775 Baymeadows Way, Suite 102
Jacksonville, Florida 32256.

St. Johns River Water Management District
975 Keller Road
Altamonte Springs, Florida 32714-1618.

St. Johns River Water Management District
525 Community College Pkwy, S.E.
Palm Bay, Florida 32909

Joint Application for Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit, form number 40C-4.900(1), revised _____ adopted 10-3-95.

Specific Authority ~~120.53(+)~~, 373.044, 373.113, 373.118, ~~373.406~~, 373.414, 373.418 FS. Law Implemented ~~120.52(+6)~~, ~~120.53(+)~~, 373.085, 373.116, 373.118, 373.406, 373.403, 373.106, 373.229, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 403.0877 FS. History—New 5-30-90, Amended 2-27-94, 10-3-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Thomas Mayton, Sr. Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108, Suncom 860-4108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2004

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Conditions for Issuance of Permits

RULE NO.: 40C-41.063

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to delete a provision in subsection 40C-41.063(7)(b), F.A.C. (which requires that applications for stormwater permits, which propose alternative designs to the minimum required by paragraph 40C-41.063(7)(a), F.A.C., must be processed as applications for individual stormwater permits), so that all applications for stormwater permits are initially processed as applications for standard general stormwater permits (consistent with a related proposed amendment to subsection 40C-42.024(2), F.A.C.), to reduce the number of projects that must obtain individual permits and thereby reducing processing time and costs for applicants.

SUMMARY: Deleting paragraph 40C-41.063(7)(b), F.A.C., so that all applications for stormwater permits are initially processed as applications for standard general stormwater permits (consistent with a related proposed amendment to subsection 40C-42.024(2), F.A.C.).

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.414, 373.418 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Regulatory Meeting, which begins at 1:00 p.m., January 11, 2005

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Ann Freeman, (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, e-mail: nmesser@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-41.063 Conditions for Issuance of Permits.

(1) through (6) No change.

(7) Within the Sensitive Karst Areas Basin, ~~the following criteria are established:~~

~~(a) Stormwater management systems should be designed to assure adequate treatment (pursuant to Rule 62-28.700, F.A.C.) of the stormwater before it enters the Floridan Aquifer, and to preclude the formation of solution pipe sinkholes in the stormwater system. Many different stormwater management system designs will achieve these goals, therefore the District does not require any specific system design. However, to assure protection of the Floridan Aquifer, the District does require certain design features. The individual site characteristics may affect what design features will be required. However, for all projects in sensitive karst areas, the following minimum design features are required:~~

~~1. through 5. renumbered (a) through (e) No change.~~

~~a. through g. renumbered 1. through 6. No change.~~

~~(b) Applicants for a stormwater management permit which do not propose to meet at least the minimum design features in paragraph (a) above, may seek approval for the alternative design through the District's individual permit process. However, the applicant must provide reasonable assurance that state water quality standards are met.~~

(8) No change.

Specific Authority 373.044, 373.113, 373.414, 373.415, 373.418 FS. Law Implemented 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 7-14-92, 10-3-95, 11-25-98, 10-11-01, 3-7-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas Mayton, Sr. Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108, Suncom 860-4108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 23, 2004 [see Notice for Chapter 40C-42, F.A.C.].

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Standard General and Individual Permits	40C-42.024
Design and Performance Criteria for Wetlands	
Stormwater Management Systems	40C-42.0265
Publications Incorporated by Reference	40C-42.091
Forms and Instructions	40C-42.900

PURPOSE AND EFFECT: The purposes and effects of this proposed rule amendment are to (1) revise the thresholds for standard general and individual stormwater permits so that all applications for stormwater permits are initially processed as applications for standard general stormwater permits, to reduce the number of projects that must obtain individual permits and thereby reduce processing time and costs for applicants, (2) delete a provision that created a presumption that an alternative stormwater system met the criteria of subsection 40C-42.023(1), F.A.C., without specifying the minimum level of treatment required, (3) delete a provision that contained outdated criteria for determining whether reasonable assurance has been provided that an alternative stormwater system meets the criteria for alternative stormwater systems, (4) create a new provision stating that stormwater permit applications will be processed as applications for individual stormwater permits when either a substantial objection has been filed with the District or when District staff holds a reasonable doubt that the applicable permitting criteria are met, (5) clarify which provisions apply to the transfer, revocation, or modification of stormwater permits, (6) delete the reference to individual stormwater permits in the stormwater application form because all stormwater permit applications will be initially processed as applications for standard general stormwater permits, (7) delete an incomplete reference to fees for stormwater permit applications, (8) clarify that the requirement to submit multiple copies of the application package does not apply when the application package is received electronically via the District's E-Permitting website (consistent with a proposed amendment to subsection 40C-1.603(13), F.A.C.), (9) clarify that substantial objections must be directed to the District, rather than the District's Governing Board, so that substantial objections not directed to the Governing Board can be considered as substantial objections, (10) clarify that when all substantial objections to a standard general stormwater permit application are withdrawn, the application will no longer be considered an application for an individual permit (which otherwise would have to be considered by the District's Governing Board), (11) clarify that substantial objections to a standard general stormwater permit application must be filed within 14 days of notice of receipt of the application, to provide a time limit for filing substantial objections, (12)

revise and clarify the types of modifications to stormwater permits that may be made by letter, (13) create a provision allowing a non-permittee entity to request a modification of a stormwater permit under certain circumstances if all permitting requirements and permit conditions will continue to be met, (14) clarify that letter requests for modification of stormwater permits require a fee (consistent with a proposed amendment to paragraph 40C-1.603(6)(c), F.A.C.), to make it clear that receipt of the fee is a condition for issuance, (15) clarify how a letter modification may be approved, (16) clarify that a stormwater permit which has expired or been revoked cannot be modified, and (17) clarify that there are now two hydrologic basins in the District which have additional criteria for Chapter 40C-42, F.A.C., (Sensitive Karst Basin and the Lake Apopka Hydrologic Basin), due to the promulgation of the new Lake Apopka Hydrologic Basin rules on March 7, 2003.

SUMMARY: The proposed rule amendment would (1) expand the types of stormwater permits that can be issued as standard general permits that are issued by District staff in subsection 40C-42.024(2), F.A.C., and in sections 5.2, 5.3, 6.1, and 6.3, Applicant's Handbook: Regulation of Stormwater Management Systems, (2) delete incomplete and outdated criteria and conditions for alternative stormwater systems in paragraph 40C-42.024(3)(c) and subsection 40C-42.024(4), F.A.C., and sections 6.1(a)-(c), Applicant's Handbook: Regulation of Stormwater Management Systems, (3) create a new provision in subsection 40C-42.024(3), F.A.C., stating that stormwater permit applications will only be processed as an application for an individual stormwater permit when there is a substantial objection or District staff holds a reasonable doubt that applicable permitting criteria are met, (4) clarify in subsection 40C-42.024(5), F.A.C., which provisions apply to the transfer, revocation, or modification of stormwater permits, (5) delete subsection 40C-42.0265(3), F.A.C., and section 16.2, Applicant's Handbook: Regulation of Stormwater Management Systems, which state that all applications for wetland stormwater management systems shall be processed as an individual permit application, consistent with the related proposed amendments to subsections 40C-42.024(2)-(3), F.A.C., (6) delete the reference to individual stormwater permits in the stormwater permit application form (subsection 40C-42.900(1), F.A.C.), (7) delete an incomplete reference to stormwater permit fees in section 4.3, Applicant's Handbook: Regulation of Stormwater Management Systems, (8) clarify in section 4.4, Applicant's Handbook: Regulation of Stormwater Management Systems, that the requirement to submit multiple copies of the application package does not apply when the application package is received electronically via the District's E-Permitting website, (9) clarify in section 5.3(b), Applicant's Handbook: Regulation of Stormwater Management Systems, that substantial objections must be received by the District, (10) clarify, in sections 5.3 and 5.7.7, Applicant's Handbook: Regulation of Stormwater Management Systems, that when all substantial objections to a standard general stormwater permit

application are withdrawn, the application will not be considered by the District's Governing Board, (11) clarify in section 5.7.7, Applicant's Handbook: Regulation of Stormwater Management Systems, that substantial objections to a standard general stormwater permit application must be filed within 14 days of notice of receipt of the application, (12) revise and clarify the types of modifications to stormwater permits that may be made by letter in section 7.7, Applicant's Handbook: Regulation of Stormwater Management Systems, (13) create a provision allowing certain non-permittees to modify a stormwater permit in section 7.7(c), Applicant's Handbook: Regulation of Stormwater Management Systems, (14) clarify in section 7.7(d), Applicant's Handbook: Regulation of Stormwater Management Systems, that letter requests for modification of stormwater permits require a fee, (15) clarify how a letter modification may be approved in section 7.7(d), Applicant's Handbook: Regulation of Stormwater Management Systems, (16) clarify in section 7.7(e), Applicant's Handbook: Regulation of Stormwater Management Systems, that a stormwater permit that has expired or been revoked cannot be modified, and (17) clarify in section 8.5, Applicant's Handbook: Regulation of Stormwater Management Systems, that there are now two hydrologic basins which have additional criteria for Chapter 40C-42, F.A.C.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.406, 373.414, 373.418 FS.

LAW IMPLEMENTED: 373.109, 373.116, 373.117, 373.118, 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.419, 373.423, 373.426, 403.0877, 403.813 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Regulatory Meeting, which begins at 1:00 p.m., January 11, 2005

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Ann Freeman, (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, e-mail: nmesser@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-42.024 Standard General and Individual Permits.

(1) No change.

(2) The following types of stormwater management systems qualify for a standard general environmental resource stormwater permit and shall be processed according to the administrative procedures set forth in Chapter 40C-40, F.A.C.

(a) through (d) No change.

1. through 8. No change.

~~(3) The following types of stormwater management systems will be processed as an individual permit according to the administrative procedures set forth in Chapter 40C-4, F.A.C.~~

~~(e)(a)~~ Wetlands stormwater management systems which ~~meet~~ are designed pursuant to the criteria in Rules 40C-42.025 and 40C-42.0265, F.A.C.;

~~(f)(b)~~ Systems which propose to satisfy the standards of subsection 40C-42.023(1), F.A.C., by employing an alternative treatment methodology or device other than those described in ~~subsection (2) or paragraphs (2)(a)-(c) (3)(a),~~ above. An affirmative showing by the applicant that the system design will provide treatment equivalent to retention systems described in subparagraph (2)(b)1., above, will create a presumption in favor of satisfying the standards in paragraphs 40C-42.023(1)(a), F.A.C. In addition, systems which have a direct discharge to Class I, Class II, Outstanding Florida Waters, or Class III waters which are approved, conditionally approved, restricted, or conditionally restricted for shellfish harvesting shall provide an additional level of treatment (i.e., additional treatment volume and off-line treatment) pursuant to Rule 40C-42.026, F.A.C., or an alternative demonstrated by the applicant to be equivalent.

~~(e) Systems which do not meet the applicable criteria of Rules 40C-42.025, 40C-42.026, or 40C-42.0265, F.A.C. An affirmative showing by the applicant based on plans, test results, calculations, or other information that an alternative design is appropriate for the specific site conditions will create a presumption in favor of satisfying the applicable standards in subsection 40C-42.023(1), F.A.C.~~

~~(4) In otherwise determining whether reasonable assurance has been provided for paragraphs (3)(b) and (c), above, the District shall, where appropriate, consider:~~

~~(a) Whether best management practices are proposed, such as those described in "Stormwater Management Manual (October, 1981)," "The Florida Development Manual: A Guide to Sound Land and Water Management (June, 1988)," or best management practices described in manuals adopted by the Environmental Regulation Commission pursuant to Rule 62-25.050, F.A.C., or other appropriate best management practices (the manuals listed above by name are adopted and made a part of this rule by reference. Copies of these documents may be inspected at all District offices);~~

~~(b) The public interest served by the system;~~

~~(c) The probable efficacy and costs of alternative controls; and~~

~~(d) Whether reasonable provisions have been made for the operation and maintenance of the proposed system.~~

(3) Standard general permit applications for stormwater management systems submitted pursuant to Chapter 40C-42, F.A.C., will be processed as applications for individual permits according to the administrative procedures set for in Chapter 40C-4, F.A.C., when:

(a) A substantial objection has been filed with the District in accordance with the provisions of section 5.7.7, Applicant's Handbook: Regulation of Stormwater Management Systems;

(b) District staff holds a reasonable doubt that the applicable permit criteria in Chapter 40C-42, F.A.C., are met.

~~(4)(5) No change.~~

(5)(6) Procedures governing transfers, permit revocation, permit modifications, and extensions are found in Chapters 40C-1 and 40C-4, F.A.C., and procedures governing permit revocation and permit modifications are found in sections 7.7 and 7.8, Applicant's Handbook: Regulation of Stormwater Management Systems, incorporated by reference in subsection 40C-42.091(1), F.A.C., apply to permits obtained pursuant to this chapter. Procedures governing converting construction to operation permits and transferring the system to the operation and maintenance entity are found in Rule 40C-42.027, F.A.C., below.

Specific Authority 373.044, 373.113, 373.118, 373.406, 373.414, 373.471, 373.418 FS. Law Implemented 373.118, 373.406, 373.413, 373.414, 373.416, 373.418, 373.426, 403.813 FS. History-New 9-25-91, Amended 3-21-93, 4-11-94, 10-3-95, _____.

40C-42.0265 Design and Performance Criteria for Wetlands Stormwater Management Systems.

(1) through (2) No change.

~~(3) Applications for wetland stormwater management systems shall be processed by the District as an individual permit application according to the administrative procedures set forth in Chapter 40C-4, F.A.C.~~

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

Specific Authority 373.044, 373.113, ~~373.414, 373.177,~~ 373.418 FS. Law Implemented 373.413, 373.414, 373.416, ~~373.418, 373.426~~ FS. History--New 9-25-91, 3-21-93, 10-3-95, _____.

40C-42.091 Publications Incorporated by Reference.

(1) The Governing Board adopts by reference Part I "Policy and Procedures", Part II, "Criteria for Evaluation", and Part III "Operation and Maintenance", of the document entitled "Applicant's Handbook: Regulation of Stormwater Management Systems, Chapter 40C-42, F.A.C.", effective 4-10-02.

(2) through (3) No change.

Specific Authority 120.54(8), 373.044, 373.113, ~~373.118, 373.406, 373.414, 373.171,~~ 373.418 FS. Law Implemented ~~373.109, 373.117, 373.118, 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.419, 373.423, 373.426, 403.0877, 403.813~~ FS. History--New 4-11-94, Amended 7-20-95, 10-3-95, 1-11-99, 10-11-01, 4-10-02, _____.

40C-42.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved the Governing Board and are available upon request from:

Department of Resource Management
 St. Johns River Water Management District
 4049 Reid Street
 Palatka, Florida 32177-2529

(1) Joint Application For Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit, form number 40C-4.900(1), revised _____, adopted 10-3-95.

(2) through (6) No change.

Specific Authority ~~120.53(1),~~ 373.044, 373.113, 373.118, ~~373.406, 373.414, 373.418~~ FS. Law Implemented ~~120.52(16), 120.53(1),~~ 373.085, 373.116, ~~373.117, 373.118, 373.103, 373.106, 373.229,~~ 373.406, 373.413, 373.414, ~~373.415, 373.416, 373.418, 373.426, 403.0877~~ FS. History--New 5-30-90, Amended 9-25-91, 3-21-93, 2-27-94, 10-3-95, 10-11-01, _____.

APPLICANT'S HANDBOOK SECTION

4.3 Permit Processing Fee

A non-refundable permit processing fee as specified by Section 40C-1.603, F.A.C., is required for the processing of each application for individual or standard general environmental resource stormwater permits or for a permit modification, and must be submitted concurrently with the filing of an application. An application submitted without the fee will not be considered complete. ~~The current permit processing fees are:~~

Projects greater than one acre	\$350.
Projects one acre or less	\$200.

4.4 Checklist for Application Completeness

The following items must be submitted at the time of filing an application:

(a) through (g) No change.

The requirement to submit multiple copies shall not apply when the application package is received electronically via the District's E-Permitting website at www.sjrwmd.com.

5.2 Standard General Permit Categories

The following types of stormwater management systems qualify for a standard general environmental resource stormwater permit and will be processed according to the administrative procedures set forth in Chapter 40C-40, F.A.C.:

(a) through (d) No change.

1. through 8. No change.

(e) Wetlands stormwater management systems which meet the design and performance criteria in sections 9 and 16.

(f) Systems which are proposed to satisfy the requirements for permit issuance (given in subsection 8.3) by employing an alternative treatment methodology (including those systems described in sections 20-23 of this handbook) or devices other than those described in subsection 5.2 or wetlands stormwater management systems described in section 16. An affirmative showing by the applicant that the system design will provide treatment equivalent to retention systems described in section 11 will create a presumption in favor of satisfying those standards listed in section 8.3. In addition, systems which have a direct discharge to Class I, Class II, Outstanding Florida Waters, or Class III waters which are approved, conditionally approved, restricted, or conditionally restricted for shellfish harvesting must provide an additional level of treatment (i.e., additional treatment volume and off-line treatment) pursuant to section 10-16 or an alternative demonstrated by the applicant to be equivalent.

5.3 Upgrade to Individual Permit

If, upon District staff review of a standard general environmental resource stormwater permit application, one of the following factors is present, the application will be processed as an application for an individual permit will be required:

~~(a) The system does not qualify for one of the standard general permit categories listed in section 5.2.~~

~~(a)(b)~~ No change.

(b)(c) A substantial objection to the project has been filed with the District. Substantial objection means a written statement directed to the ~~District Governing Board~~ regarding a permit which identifies the objector, concerns hydrologic or environmental impacts of the proposed activity, and relates to applicable rule criteria.

Upon determination that one of the factors listed above is present, District staff will notify the applicant that the application has been upgraded to an individual environmental resource stormwater permit and that the provisions of section 6 will be followed, unless the objection is later withdrawn in writing or on the record at a Governing Board meeting.

5.7 Staff Evaluation

5.7.1 through 5.7.6 No change.

5.7.7. Objections

A substantial objection as defined in subsection 5.3(b)(e) will automatically cause the application to be considered an application for an individual permit, unless the objection is later withdrawn in writing or on the record at a Governing Board meeting. Substantial objections must be filed with the District within 14 days of notification of the application. Notification of the application shall be deemed to be either the fifth day after the date on which the written notice is deposited in the United States mail if actual notice is mailed to the interested person, or the date that notice is posted at the District's website at www.sjrwmd.com if actual notice is not mailed to the interested person. The applicant will be notified that an objection has been received and that the procedures for application for an individual permit as described in section 6 must be followed, unless all such objections are withdrawn in writing or on the record at a Governing Board meeting. No additional permit fee will be required if this occurs.

6.0 Procedure for Processing Individual Permits

6.1 Individual Permit Categories

Stormwater management systems which have been upgraded pursuant to section 5.3 ~~The following types of stormwater management systems~~ will be processed as an individual permit according to the administrative procedures set forth in Chapter 40C-4, F.A.C.

~~(a) Wetlands stormwater management systems which are designed pursuant to the design and performance criteria in sections 9 and 16.~~

~~(b) Systems which are proposed to satisfy the requirements for permit issuance (given in subsection 8.3) by employing an alternative treatment methodology (including those systems described in sections 20-23 of this handbook) or devices other than those that qualify for standard general permits (described in subsection 5.2) or wetlands stormwater management systems (described in section 16). An affirmative showing by the applicant that the system design will provide treatment equivalent to retention systems described in section 11 will create a presumption in favor of satisfying those standards listed in section 8.3. In addition, systems which have a direct discharge to Class I, Class II, Outstanding Florida Waters, or Class III waters which are approved, conditionally approved, restricted, or conditionally restricted for shellfish harvesting must provide an additional level of treatment (i.e., additional treatment volume and off-line treatment) pursuant to sections 10-16 or an alternative demonstrated by the applicant to be equivalent.~~

~~(c) Systems which do not meet the applicable design and performance criteria in sections 10-16. An affirmative showing by the applicant based on plans, test results, calculations, or other information that an alternative design is appropriate for the specific site conditions will create a presumption in favor of satisfying the applicable requirements for issuance listed in subsection 8.3.~~

~~In determining whether reasonable assurance has been provided for (b) and (c), above, the District shall, where appropriate, consider:~~

- ~~(a) Whether best management practices are proposed;~~
- ~~(b) The public interest served by the system;~~
- ~~(c) The probable efficacy and costs of alternative controls;~~
- ~~and~~
- ~~(d) Whether reasonable provisions have been made for the operation and maintenance of the proposed system.~~

6.3 Initial Receipt

When the individual permit application form is completed and signed, it must be delivered to one of the District offices as outlined in section 1.3. In order to be processed in a timely manner, the application must include all supporting documentation, and the appropriate permit processing fee. See subsection 4.3 for the current processing fee.

District staff will then conduct a review of the individual permit application to determine that all necessary information is included. If the application does not contain all of the required information or fee, the necessary additional information or fee will be requested from the permittee within 30 days of receipt of the application by the District. The application is then reviewed and evaluated using the criteria discussed in Parts II and III of this handbook. Please refer to the complete statutes and rules for more specific information.

7.7 Permit Modifications

The Governing Board may modify a permit in accordance with the provisions of Section 373.429, F.S.

A request for modification of a permitted system may be made by a permittee as follows:

(a) By formal submittal of a permit application. The request will be reviewed using the same review and public notice procedures as a new application.

(b) By letter that describes the proposed modification, provided that the requested modification does not cause any of the following circumstances to occur: provided that the requested modification does not substantially alter the system design or permit conditions. Construction of the modification must not proceed until the District approves the request.

1. Increase the project area by more than 10% or 1 acre, whichever is less, unless the system was permitted with stormwater treatment and flood attenuation capability sufficient to meet the permitting requirements for the proposed modification;

2. Increase proposed impervious surface by more than 10% or 0.5 acres, whichever is less, unless the system was permitted with stormwater treatment and flood attenuation capability sufficient to meet the permitting requirements for the proposed modification;

3. Reduce the stormwater treatment or flood attenuation capability of the system, unless the system was permitted with stormwater treatment and flood attenuation capability sufficient to meet the permitting requirements for the proposed modification;

4. Reduce the frequency or parameters of monitoring requirements, except in accordance with a permit condition that specifically provides for future adjustments in such monitoring requirements;

5. Reduce the financial responsibility mechanisms provided to ensure the continued construction and operation of the system in compliance with permit requirements, except in accordance with specific permit conditions that provide for a reduction in such financial responsibility mechanisms;

6. Extend the duration of a permit by more than 2 years per permit modified; or

7. Otherwise, substantially alter the system design or permit conditions.

(c) An entity other than a permittee may request the modification of a permit only when the entity has purchased or intends to take ownership through condemnation of all or part of a permitted system. In such cases, the entity requesting the modification must submit either a formal application or letter modification in accordance with 7.7(a) or (b) above and must demonstrate that both the modified portions of the system and the unmodified portions of the system, including portions of the system remaining in the ownership of the existing permittee, will continue to comply with the permitting requirements in Rule 40C-42.023, F.A.C. and all permit conditions.

(d) A request for modification by letter above, must be accompanied by the appropriate fee required by Rule 40C-1.603, F.A.C. A modification by letter may be approved only by the Director, Department of Water Resources, Assistant Director, Department of Water Resources, or a Service Center Director. Any such approval will be provided in writing to the applicant.

(e) A permit which has expired or which has been revoked shall not be subject to modification.

8.5 Surface Water Management Basin Criteria

Chapter 40C-41, F.A.C., establishes additional criteria which are used in reviewing applications for permits in certain hydrologic basins. The only two basins in the District which ~~have~~ has additional criteria for Chapter 40C-42, F.A.C., are ~~is~~ the Sensitive Karst Basin and the Lake Apopka Hydrologic Basin. ~~The Sensitive Karst Basin~~ This basin covers western Alachua and western Marion counties (See Figures 9.4, 9.5, and 9.6). The design criteria for the Sensitive Karst Basin are discussed in section 9.11 of this handbook. The Lake Apopka Hydrologic Basin covers western Orange and eastern Lake Counties (see Figure 41-5 in Chapter 40C-41, F.A.C.). The

design criteria for the Lake Apopka Hydrologic Basin are discussed in subsections 40C-41.043(3) and 40C-41.063(8), F.A.C.

~~16.2 Permit Application Administrative Procedures~~

~~An application for an environmental resource stormwater permit to use a wetland stormwater management systems will be processed by the District as an individual permit application according to the administrative procedures set forth in chapter 40C-4, F.A.C. See section 6 of this handbook for additional information on processing individual permit applications.~~

16.3 through 16.12 renumbered 16.2 through 16.11 No change.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Thomas Mayton, Sr. Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108, Suncom 860-4108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2004

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: General Permit for Minor Activities

RULE NO.: 40C-400.475

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to delete two thresholds for noticed general permits for minor activities (requiring that the system must contain less than 4,000 square feet of impervious surface that is subject to vehicular traffic and less than 9,000 square feet total of impervious surface), because those two thresholds are duplicative of existing permit thresholds for stormwater permits in subsection 40C-42.022(1), F.A.C.

SUMMARY: The proposed rule amendment would delete duplicative thresholds for noticed general permits for minor activities in paragraph 40C-400.475(1)(d), F.A.C.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.414, 373.416, 373.426 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Regulatory Meeting, which begins at 1:00 p.m., January 11, 2005

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Ann Freeman, (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, e-mail: nmesser@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-400.475 General Permit for Minor Activities.

(1) A general permit is hereby granted for the construction, alteration, maintenance, operation, abandonment and removal of the following minor systems:

(a) through (c) No change.

~~(d) Less than 4,000 square feet of impervious surface in uplands that is subject to vehicular traffic, such as roads, parking lots and driveways, and less than 9,000 square feet total of impervious surface in uplands, however, this paragraph shall not apply within the Wekiva River Basin Riparian Habitat Protection Zone as described in subparagraph 40C-41.063(3)(e)1., or in any Area of Critical State Concern;~~

(e) through (f) renumbered (d) through (e) No change.

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.414 FS. Law Implemented 373.118, 373.413, 373.414, 373.416, 373.426 FS. History—New 10-3-95, Amended _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas Mayton, Sr. Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108, Suncom 860-4108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2004

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
 RULE CHAPTER NO.: 40D-1

RULE TITLE: Forms and Instructions
 RULE NO.: 40D-1.659

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

SUMMARY: Rulemaking is necessary to incorporate revisions to Form 547.27, Information for General Environmental Resource Permits for Minor Surface Water Systems and incorporate the revision date into the District's rules. The revision of the form will incorporate the currently acceptable types of water quality treatment for minor surface water systems. The proposed changes appear in paragraph 8 of the second page of Section H.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.659, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

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

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

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

GROUND WATER

(1) through (20) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) JOINT APPLICATION FOR: ENVIRONMENTAL RESOURCE PERMIT/AUTHORIZATION TO USE STATE OWNED SUBMERGED LANDS/FEDERAL DREDGE AND FILL PERMIT FORM 5.47.27/ERP (____8/03)

(2) through (14) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural RULE CHAPTER NO.: 40D-1

RULE TITLE: Forms and Instructions RULE NO.: 40D-1.659

PURPOSE AND EFFECT: This rulemaking will incorporate District Form, TSV-009.02(____/04) into Rule 40D-1.659, F.A.C.

SUMMARY: Currently, the connection of an outparcel to a permitted surface water management system requires the submittal of “as-built” drawings to demonstrate that drainage from the outparcel is discharged appropriately. As a result, the applicant must submit an application for the formal modification of the Environmental Resource Permit, complete with all the calculations and documentations for the previously permitted development. Form TSV-009.02 (____/04) has been created to eliminate the submittal of redundant documentation in order to expedite the process for permitting outparcels.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rule 40D-1.659, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

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

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

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

GROUND WATER

(1) through (20) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (14) No change.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board, Southwest Florida Water Management District
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

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

SUMMARY: The rule amendments will allow District staff to administratively cancel a Water Use Permit upon the request of the permittee or the permittee’s agent, and under some circumstances where the permit has been abandoned or become null and void. The changes to the Water Use Permit Information Manual, Part B, Basis of Review, provide additional details on the process. The permittee must ensure wells have been capped or plugged and abandoned. Prior to the cancellation, District staff shall inspect the site to ensure this requirement has been met. The amendment to Rule 40D-2.091, F.A.C., incorporates the changes to the Basis of Review.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rules 40D-2.091 and 40D-2.341, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-2.091 Publications Incorporated by Reference.

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

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

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

40D-2.341 Revocation and Cancellation of Permits.

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

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

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

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

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

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

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

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

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

WATER USE PERMIT
INFORMATION MANUAL

1.13 REVOCATION AND CANCELLATION OF PERMITS

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

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

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

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

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

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

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

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

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

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

described above, all ground water wells must be plugged and abandoned according to Rule 40D-3.531, F.A.C., by the permittee.

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

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

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

SUMMARY: The proposed rule amendment clarifies the conditions for transfer of a Water Use Permit upon a change in ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located. The proposed amendment specifies the party responsible for requesting transfer of the Water Use Permit, identify the conditions under which a permit modification will be required, and indicate that the permit will be subject to cancellation if not properly transferred.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rule 40D-2.351, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.219 FS.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.351 Transfer of Permits.

(1) Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue an existing, permitted water use and who have acquired ownership or legal control ~~Permittees must notify the District within 30 days of the sale or conveyance of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal control of such water withdrawal facilities or such land. The applicant shall request such transfer using a "Notification and Request for Transfer of a Water Use Permit", Form No. 04.10 R-025 (8/02). Where a permit has been issued to a party whose ownership or legal control of the permitted water withdrawal facilities subsequently terminates, the party subsequently controlling the permitted water withdrawal facilities may apply to transfer the permit to himself or herself up to the renewal date of the transferor's permit notwithstanding the provisions of Chapter 40D 1.6105, F.A.C. The District will transfer the permit provided all aspects of the permit except for ownership the source, use and withdrawal quantities remain the same. All terms and conditions of the permit shall become binding on the transferee.~~

(2) No change.

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Regulation of Wells
RULE CHAPTER NO.: 40D-3
RULE TITLE: Violations of Contractor Licensing Requirements
RULE NO.: 40D-3.038

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

SUMMARY: District and Department of Environmental Protection (DEP) rules do not currently require that a water well contractor advise the District of changes of mailing address. It is necessary for the District to be able to promptly notify contractors of matters relating to licensing, continuing education and compliance. When a contractor fails to provide the District with a current mailing address, such notices may not be received in a timely manner. DEP has requested that each water management district include in its rules a requirement that contractors promptly provide information on changes in mailing address.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-3.038, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

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

LAW IMPLEMENTED: 373.323, 373.324, 373.333, 373.336 FS.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-3.038 Violations of Contractor Licensing Requirements.

(1) No change.

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

RULE TITLE: Suspension, Revocation and Cancellation of Permits RULE NO.: 40D-3.341

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

SUMMARY: The proposed rule amendments will allow for the administrative cancellation of Well Construction Permits at the request of permittees, and to specify that suspension or revocation of Well Construction Permits occurs after notice and hearing. This change makes this rule consistent with the existing language concerning the suspension or revocation of Water Use Permits in Rule 40D-2.341, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-3.341, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

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

LAW IMPLEMENTED: 373.306, 373.309, 373.313 FS.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

(a)(1) Material misstatement or misrepresentation in the application for a permit;

(b)(2) Failure to comply with the provisions set forth in the permit;

(c)(3) Disregard or violation of any of these rules or Chapter 373, Part III, F.S.; or

(d)(4) Material change of circumstances or conditions from those existing at the time such permit was issued.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

Resource Permits
 RULE TITLE: Publications and Agreements Incorporated
 RULE NO.: 40D-4.091

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

SUMMARY: This proposed rulemaking will amend Section 6.4.1 of the Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District, regarding retention/detention pond side slopes and fencing. The revisions require that side slopes steeper than 3.5:1 (horizontal:vertical) will be considered a substantial deviation from the permitted design. Adequate fencing or other protection sufficient to prevent accidental incursions into the retention/detention area must be provided for side slopes designed or permitted steeper than 4:1. The revisions describe how the sufficiency or protective measures shall be determined. The amendment to Rule 40D-4.091, F.A.C., incorporates the revisions to the Environmental Resource Permitting Information Manual Basis of Review.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-4.091, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

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

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

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

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

(2) through (4) No change.

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

**ENVIRONMENTAL RESOURCE PERMITTING
 INFORMATION MANUAL
 BASIS OF REVIEW**

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

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

a. through b. No change.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental Resource Permits

RULE CHAPTER NO.: 40D-4

RULE TITLE: Modification of Permits

RULE NO.: 40D-4.331

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

SUMMARY: Currently, the connection of an out parcel to a permitted surface water management system requires the submittal of “as-built” drawings to demonstrate that drainage from the out parcel is discharged appropriately. As a result, the applicant must submit an application for the formal modification of the Environmental Resource Permit, complete with all the calculations and documentations for the previously permitted development. The District has created a new form, Form TSV-009.02 (/04) to eliminate the submittal of redundant documentation in order to expedite the process for permitting outparcels. The proposed amendment to paragraph 40D-4.331(2)(a), F.A.C. directs the applicant to use the new form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rule 40D-4.331, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

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

LAW IMPLEMENTED: 373.413, 373.416(1) FS.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.331 Modification of Permits.

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

(1) No change.

(2) Applications to modify a construction permit shall be made:

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

(b) ~~B~~y letter, provided the requested modification does not:

1. through 7. No change.

(3) through (4) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental Resource Permits

RULE CHAPTER NO.: 40D-4

RULE TITLE: Revocation and Cancellation of Permits

RULE NO.: 40D-4.341

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

SUMMARY: The proposed rule amendments will allow for the administrative cancellation of Environmental Resource Permits at the request of permittees, and to specify that suspension or revocation of Environmental Resource Permits

occurs after notice and hearing. This change makes this rule consistent with language concerning the suspension or revocation of Water Use Permits in Rule 40D-2.341, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-4.341, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

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

LAW IMPLEMENTED: 373.429, 373.430(1) FS.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.341 Revocation and Cancellation of Permits.

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

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

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

SUMMARY: The proposed rule modification will establish time frames applicable to the District's review of all new submittals of Statements of Completion and Requests for Transfer to the Operation Entity. If the District fails to take action on such requests within the applicable time frames the request and transfer will be deemed approved.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-4.351, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.416(2), 403.805 FS.

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

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.
 LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-40.302 Conditions for Issuance of General Permits.

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

(1) Conditions.

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

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

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373, 419 FS. History--New 10-1-84, Amended 3-1-88, 5-10-88, 9-13-88, 10-3-95, 7-23-96, 7-16-02, 9-26-02, 8-3-03, 2-19-04,

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLES:	RULE NOS.:
Policy	40E-7.611
Definitions	40E-7.621
Proposal Evaluation and MBE Criteria	40E-7.631
Compliance	40E-7.645
Reciprocal Application	40E-7.651
Certification Eligibility	40E-7.653
Grandfather Clause	40E-7.654
Certification Review Procedures	40E-7.655
Recertification Review Procedures	40E-7.661
Penalties for Fraudulent MBE Representation	40E-7.6645
Application for Additional Areas of Certification	40E-7.665
Administrative Hearings	40E-7.667

PURPOSE AND EFFECT: To repeal the District's Minority Business Enterprise Contracting Rule (MBE), Chapter 40E-7, F.A.C., Part VI., Fla. Admin. Code.

SUMMARY: Repeal Rule Nos. 40E-7.611, 40E-7.621, 40E-7.631, 40E-7.645, 40E-7.651, 40E-7.653, 40E-7.654, 40E-7.655, 40E-7.661, 40E-7.6645, 40E-7.665, 40E-7.667, F.A.C.

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

SPECIFIC AUTHORITY: 373.113 FS.

LAW IMPLEMENTED: 373.607 FS.

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

TIME AND DATE: 9:00 a.m., January 12, 2005

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings, and workshops 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 any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, Acting District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Candice Boyer, Senior MBE Coordinator, Equity and Contracting, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-2045, Extension 6446 or (561)682-6446, internet: cboyer@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-7.611 Policy.

Specific Authority 373.113 FS. Law Implemented 373.607 FS. History–New 9-25-96, Amended 12-23-01, Repealed.

40E-7.621 Definitions.

Specific Authority 373.113 FS. Law Implemented 287.0943(1), (2), 288.703, 373.607 FS. History–New 9-25-96, Amended 12-23-01, Repealed.

40E-7.631 Proposal Evaluations and MBE Criteria.

Specific Authority 373.113 FS. Law Implemented 373.607 FS. History–New 9-25-96, Amended 12-23-01, Repealed.

40E-7.645 Compliance.

Specific Authority 373.113 FS. Law Implemented 287.134, 287.094, 373.607 FS. History–New 9-25-96, Amended 12-23-01, Repealed.

40E-7.651 Reciprocal Application.

Specific Authority 373.113 FS. Law Implemented 373.607 FS. History–New 9-25-96, Amended 12-23-01, Repealed.

40E-7.653 Certification Eligibility.

Specific Authority 373.113 FS. Law Implemented 373.607 FS. History–New 9-25-96, Amended 6-16-98, 12-23-01, Repealed.

40E-7.654 Grandfather Clause.

Specific Authority 373.113 FS. Law Implemented 373.607 FS. History–New 12-23-01, Repealed.

40E-7.655 Certification Review Procedures.

Specific Authority 373.113 FS. Law Implemented 120.53, 120.54(1), 120.60(2), 373.607 FS. History–New 9-25-96, Amended 12-23-01, Repealed.

40E-7.661 Recertification Review Procedures.

Specific Authority 373.113 FS. Law Implemented 373.607 FS. History–New 9-25-96, Amended 12-23-01, Repealed.

40E-7.6645 Penalties for Fraudulent MBE Representation.

Specific Authority 373.113 FS. Law Implemented 373.607 FS. History–New 9-25-96, Amended 12-23-01, Repealed.

40E-7.665 Application for Additional Areas of Certification.

Specific Authority 120.53, 373.113 FS. Law Implemented 120.53, 373.607 FS. History–New 9-25-96, Amended 12-23-01, Repealed.

40E-7.667 Administrative Hearings.

Specific Authority 120.53, 373.113 FS. Law Implemented 120.53, 373.607 FS. History–New 9-25-96, Amended 12-23-01, Repealed.

NAME OR PERSON ORIGINATING PROPOSED RULE: Frank Hayden, Department Director Procurement Department
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Olliff, Deputy Executive Director of Corporate Resources
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Permitted Medications for Horses
 RULE NO.: 61D-6.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to amend the Division’s rules regarding the race day administration of Salix to racehorses.

SUMMARY: This proposed rule addresses race day administration of Salix to racing horses. Specifically, the Division is amending rules regarding the following:

1. The time that a horse that is shipped in from another track or training facility, or other location, will be required to be in a permitholder’s receiving barn, and
2. Changes to the procedure by which reports of administration will be received and processed by the Division.

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.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251(3), 550.2415(8),(9),(13),(16) FS.

LAW IMPLEMENTED: 120.80(4)(a), 550.0251, 550.2415 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, December 16, 2004

PLACE: Park Trammel Building, 1313 North Tampa Street, Conference Room, Room 605, Tampa, Florida 33602

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, December 21, 2004

PLACE: Calder Race Course, 21001 N. W. 27th Avenue, Winner’s Edge Room, 2nd Floor Grandstand (East End), Miami, Florida 33056

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-6.008 Permitted Medications for Horses.

(1) through (2)(c)1. No change.

2. Second violation in a 12-month period \$1,000.00 fine and suspension of any division license up to 30 days;

3. through (3)(a) No change.

1. A "bleeder" shall be defined as a horse which demonstrates evidence of pulmonary hemorrhage within 3.0 hours of exercise as evidenced by fulminant bilateral epistaxis where endoscopic examination is not warranted, or by intratracheal evidence of pulmonary hemorrhage ascertained through endoscopic examination, either of which must be witnessed and certified in writing by a Florida licensed veterinarian who is employed solely by a permit holder conducting pari-mutuel wagering in the State of Florida (the track veterinarian), or employed by the Division of Pari-Mutuel Wagering (the division veterinarian), ~~or when the episode of exercise induced pulmonary hemorrhage cannot be witnessed by an official veterinarian, certification may be by two Florida practicing and licensed veterinarians, one of whom shall have no current employment affiliation with the owner of the animal being tested and who has no direct pecuniary interest in the racing animal being witnessed and certified.~~ Such certification shall be submitted to the division's Salix Ceoordinator on BPR Form BPR 15-020, Bleeder's Certificate, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. ~~Out-of-state horses racing in Florida must be witnessed in Florida as outlined above or must have been certified by the state/commission or association/track veterinarian from the previous state. Certification, in writing from the accredited College of Veterinary Medicine, will also be accepted if the horse has received a comprehensive cardio-pulmonary examination at an accredited College of~~

Veterinary Medicine and as a result thereof is diagnosed with exercise induced pulmonary hemorrhage either viewed endoscopically after a treadmill exercise or via tracheal wash cytology and therefore found to require medication with furosemide in order to successfully compete.

2. Any horse on furosemide to be entered in a pari-mutuel racing event in the State of Florida shall not require re-certification if the horse has been certified as a "bleeder" and approved for the administration of furosemide by a racing jurisdiction utilizing certification procedures which are approved by the director of the Division of Pari-Mutuel Wagering in Florida. Documentation of certification from approved racing jurisdictions must be evidenced by an official letter signed by a track veterinarian or division/State Veterinarian stating that a horse has exhibited exercise induced pulmonary hemorrhage and as a result of such bleeding was determined to require the administration of furosemide prior to participation in pari-mutuel racing events.

3. A horse which has not exhibited external bleeding may be placed on the Furosemide List after the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interest to race with furosemide and so notify the State Veterinarian.

~~4.3.~~ It shall be the trainer's responsibility to provide the required documentation of certification to the Salix Ceoordinator prior to entry of any horse ~~entered~~ to race on furosemide in a pari-mutuel event in the State of Florida. When the trainer cannot provide written documentation within 48 hours prior to the scheduled post time for the race, the trainer of the horse in question may personally attest in writing that the horse meets all eligibility requirements for the use of furosemide and request that the stewards waive the requirement for receipt of written documentation prior to racing the horse on furosemide. All requests for waiver must be submitted on BPR Form BPR 15-033, Salix Certification Waiver, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. The stewards then may allow the horse to race on furosemide and grant the trainer a reasonable period of time, not to exceed 10 days, to produce the necessary written documentation as required in paragraph (a) above.

~~5.4.~~ All purses, stakes, awards, or other prizes or compensation to be granted as a result of the subject horse's performance in the pari-mutuel event shall be withheld until such time as the trainer who attested to the horse's eligibility to race on furosemide has provided the required documentation. If the trainer fails to provide adequate documentation of the horse's eligibility, the subject horse will be disqualified and the trainer who represented the horse's eligibility to race on furosemide shall be suspended up to 10 days and fined \$500. Any purses, stakes, awards or other prize or compensation will be redistributed in accordance with the disqualification.

(b) When a horse exhibits a bleeding incident and goes on the Veterinarian's List, the horse is suspended beginning the day after it is placed on the list. The period of suspension starts the day after the Bleeder's Certificate is presented to the Salix Coordinator/State Veterinarian and the horse is placed on the Veterinarian's List. Horses placed on the Veterinarian's List for bleeding must remain suspended according to the following schedule:

1. ~~The first bleeding incident time after workout (exercise) or race in any racing jurisdiction~~ – 14 days suspension from racing;

2. ~~A second bleeding incident within a 365-day period of a previous bleeding incident time after a race if racing without Salix in any racing jurisdiction~~ – ~~30~~ 14 days suspension from racing;

~~3. Second time after a race if racing with Salix in any racing jurisdiction~~ – ~~30 days suspension;~~

~~3.4. A third bleeding incident within a 365-day period from two previous bleeding incidents time after a race in any racing jurisdiction~~ – ~~180 days suspension from racing~~ 6 months suspension; and

~~4.5. A fourth bleeding incident within a 365-day period from three previous bleeding incidents time after a race in any racing jurisdiction~~ – barred from racing in Florida.

The above schedule of suspensions commences the day immediately following submission of the Bleeder's Certificate ~~a bleeding incident.~~

(c) Horses will be eligible to race on the day immediately following the completion of the suspension period. The owner or trainer of any horse placed on the ~~V~~eterinarian's List as a result of exercise induced pulmonary hemorrhage (bleeding) may elect to place the animal on Florida's official Furosemide (Salix) List. The official Furosemide List shall be maintained by the Salix ~~C~~oordinator and shall be the official list of horses approved for racing with furosemide in Florida. Horses placed on the official Furosemide List must have furosemide administered on race day, at a dosage of 0.3 – 1.0 mg/kg (150 mg – 500 mg), administered intravenously (I.V.) no closer than 4 hours prior to the officially scheduled post time of the race for which the horse is entered. The furosemide must be administered by a veterinarian currently licensed pursuant to Chapters 474 and 550, Florida Statutes. Every race day administration of furosemide must be reported by the attending veterinarian to the division on BPR Form ~~BPR~~ 15-005, Veterinarian Report of Race-Day Salix Administration, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. BPR Form 15-005, Veterinarian Report of Race-Day Salix Administration, shall be delivered by the trainer or the trainer's designee to the Salix Coordinator/State Veterinarian at least two hours prior to the scheduled post-time of the horse's race. Failure to comply with this subsection shall result in the horse being scratched from the race in which it is entered.

(d) Horses racing on furosemide which ship in to run from centers, ~~or other pari-mutuel facilities, or other locations,~~ must be in the receiving barn no later than four hours prior to the post time of their officially scheduled race and have the furosemide (Salix) tag, BPR Form ~~BPR~~ 15-005 firmly attached to their halter. Any violation of this rule shall result in the Stewards scratching the subject horse from its scheduled race of that day. The trainer of the horse shall be subject to the following penalties:

1. First violation in a 12-month period – \$100.00 fine;

2. Second violation in a 12 month period – \$200.00 fine;

3. Third violation in a 12-month period – \$350.00 fine and suspension of license for 10 days;

4. Fourth or subsequent violation in a 12-month period – \$500.00 fine and suspension of license for 30 days ~~Horse scratched from race entered.~~

(e) Track security officers at the gate(s) through which horses arrive from other locations shall maintain a log depicting the horse's name, time of arrival, scheduled race number and post time. In the event that a horse arrives less than four hours prior to the scheduled post time for its race, the security officer shall notify the Stewards and Racing Secretary of the late arrival.

(f) In the event that a horse arrives at the receiving barn less than four hours prior to scheduled post time, the Stewards shall scratch that horse from its scheduled race.

(g) ~~(e)~~ Horses placed on the official Furosemide List must remain on that list unless a trainer requests to remove a horse after consultation with and upon the advice of the horse's attending veterinarian. This request to discontinue use of furosemide must be submitted with a written verification from the bleeder horse's attending veterinarian to the Salix ~~C~~oordinator no later than 48 hours prior to racing the horse without furosemide. Such requests shall be submitted on BPR Form ~~BPR~~ 15-025, Request To Discontinue Salix, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. Once a horse has been removed from the official Furosemide List, it shall not be placed back on the list until it exhibits exercise induced pulmonary hemorrhage in accordance with paragraphs (3)(a), (b) and (c) of this rule.

(h) ~~(f)~~ Horses are ineligible for furosemide/Salix use if they:

1. Have not been verified as exhibiting bleeding by exercise induced pulmonary hemorrhage certification or have not been certified by the attending veterinarian that the use of furosemide/Salix is in the best interest of the horse.

2. through 3. No change.

(i) ~~(g)~~ Certified bleeders that run in jurisdictions that do not allow the use of furosemide/Salix shall be allowed to run on furosemide/Salix upon returning to Florida without re-qualifying. Trainers shall notify the Salix ~~C~~oordinator of the status of these horses prior to entry.

~~(j)(4)~~ Certified bleeders that run in jurisdictions that allow furosemide/Salix usage, but do not run on furosemide/Salix, will be considered as bleeders "off-Salix" and do not have to must re-qualify to run on furosemide/Salix in Florida.

~~(k)(4)~~ Re-qualifying for furosemide/Salix means that the horses must exhibit subsequent exercise induced pulmonary hemorrhage in accordance with paragraphs (3)(a), (b) and (c) above to again become eligible for use of furosemide/Salix.

~~(l)(4)~~ The trainer of any horse to be entered in a race in a pari-mutuel event in the State of Florida shall report any previous or current incidents of exercise induced pulmonary hemorrhage and any previous or current use of furosemide/Salix to the track veterinarian, division veterinarian, and Salix Coordinator prior to entry.

(m) Documentation which validates that a horse has been previously permitted to race with furosemide includes, but is not limited to, the National Daily Racing Form, the North American Pari-Mutuel Regulators Horse Database, databases of individual racing jurisdictions, and daily racing program of individual racetracks.

(4) through (b) No change.

(5) The detection of caffeine at a urinary concentration less than 200 nanograms nanograms per milliliter and/or its metabolites, theophylline and theobromine at a urinary concentration less than 400 nanograms nanograms per milliliter shall not be reported by the racing laboratory to the division as a violation of Section 550.2415, Florida Statutes.

(6) Sulfa drug(s) is/are permitted to be administered to a race horse providing:

(a) The race horse is under the care of a veterinarian currently licensed pursuant to Chapters 474 and 550, Florida Statutes; and

(b) The sulfa drug(s) is/are prescribed by a veterinarian currently licensed pursuant to Chapters 474 and 550, Florida Statutes; and

(c) The sulfa drug(s) is/are not administered within 24 hours prior to the officially scheduled post time of the race.

(7) All prescription medication, regardless of method of administration, shall be safeguarded under lock and key when not being actively administered.

Specific Authority 120.80(4)(a), 550.0251(3), 550.2415(8),(9),(13),(16) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History--New 10-20-96, Amended 1-5-98, 6-6-00, 5-14-02, 6-6-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: Advertising
 RULE NO.: 61G7-11.001

PURPOSE AND EFFECT: The proposed rule amendment is intended to revise language to clarify a licensee must include its license number on all advertisements.

SUMMARY: The proposed rule amendment specifies that an employee leasing company must include its license number on any advertisements.

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: 468.522, 468.530(4) FS.

LAW IMPLEMENTED: 468.530(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-11.001 Advertising.

(1) through (2)(c) No change.

(3) An employee leasing company must need only include ~~the significant digits in~~ its license number on any advertisements.

Specific Authority 468.522, 468.530(4) FS. Law Implemented 468.530(4) FS. History--New 10-6-94, Amended 3-28-95, 7-1-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Employee Leasing Companies

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: College or University Requirements
 RULE NO.: 61H1-27.001

PURPOSE AND EFFECT: This rule is being amended to add Mexican academic programs that meet the criteria of this rule to the programs that are approved under this rule.

SUMMARY: This rule sets forth the criteria for an accredited college or university within the meaning of Section 473.306, F.S., and lists the regional accrediting agencies. The rule sets out criteria for approval when 4-year degree came from a non-accredited college or university.

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: 473.304, 473.306 FS.

LAW IMPLEMENTED: 473.306 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-27.001 College or University Requirements.

(1) through (g) No change.

(h) Canadian, Mexican and Australian academic accounting programs approved by the provincial education bodies or their equivalent.

(2) through (5)(b) No change.

Specific Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History—New 12-4-79, Amended 2-3-81, 3-21-84, 10-28-85, Formerly 21A-27.01, Amended 4-8-86, 9-1-87, 8-25-88, 12-28-89, 3-29-90, Formerly 21A-27.001, Amended 1-11-95, 5-11-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2004

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida State Boxing Commission

RULE CHAPTER TITLE: General Rules for Boxing,
 RULE CHAPTER NO.: 61K1-1

Kickboxing, and Mixed Martial Arts

RULE TITLE: Approval, Disapproval, Suspension of
 RULE NO.: 61K1-1.0031

Approval, and Revocation of Approval for Amateur Sanctioning Organizations in Boxing and Kickboxing

PURPOSE AND EFFECT: Pursuant to Section 548.006(3), Florida Statutes, the Florida State Boxing Commission has exclusive jurisdiction over the approval, disapproval, suspension or approval, and revocation of approval of all amateur sanctioning organizations for amateur boxing and kickboxing matches held in Florida. In order to conform to amendments made to Chapter 548, Florida Statutes, in Legislative Session 2004, the development of additional boxing rules under Chapter 548, FS, is necessary.

SPECIFIC AUTHORITY: 548.003(2) FS.

LAW IMPLEMENTED: Chapter 548 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: 9:00 a.m., December 20, 2004

PLACE: John’s Building, 725 South Bronough Street, Tallahassee, Florida 32399-1016

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO KELLY HARRIS, ADMINISTRATIVE ASSISTANT I, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1016, WITHIN 21 DAYS OF THIS NOTICE. WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Kelly Harris, Administrative Assistant I, (850)488-8500. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kelly Harris, Administrative Assistant I, Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016, (850)488-8500

THE FULL TEXT OF THE PROPOSED RULE IS:

GENERAL RULES FOR BOXING, KICKBOXING
AND MIXED MARTIAL ARTS

61K1-1.0031 Approval, Disapproval, Suspension of Approval, and Revocation of Approval for Amateur Sanctioning Organizations in Boxing and Kickboxing.

(1) Criteria for Approval.

An amateur sanctioning organization seeking approval from the Florida State Boxing Commission to sanction and supervise matches involving amateur boxers or kickboxers shall meet certain criteria as conditions of approval as follows:

(a) For amateur boxing, a statement of agreement to adopt and enforce the health and safety standards of USA Boxing as provided in the Official USA Boxing Rulebook as of June 1, 2004.

(b) For amateur kickboxing, a statement of agreement to adopt and enforce the health and safety standards of the International Sport Kickboxing Association (ISKA) as provided in the ISKA Rules as of June 1, 2004.

(c) A statement of agreement to adopt and enforce a requirement to have all amateurs participating in a match sanctioned and supervised by the amateur sanctioning organization undergo a pre-match physical examination by a physician approved by the amateur sanctioning organization.

(d) A statement of agreement that the organization will not hold, promote, or sponsor a match prohibited under Chapter 548, Florida Statutes, including, but not limited to, an amateur mixed martial arts match in Florida.

(e) A statement of agreement to adopt and enforce a requirement to, at a minimum, notify a local ambulance service with a minimum of two qualified attendants, either paramedics or emergency medical technicians, with the date and time of the amateur event for the purpose of either requesting the ambulance service acknowledge an "on-call" status relative to the amateur event or requesting the ambulance service be assigned to the premises of the matches whereupon the following requirements shall be enforced:

1. Ambulance attendants shall be stationed at a location determined by the amateur sanctioning organization's chief official or supervisor-in-charge at the event;

2. A portable resuscitator with all additional equipment necessary for its operation shall be in a state of readiness and located along with the ambulance attendants;

3. A clean stretcher and clean blanket shall be located along with the ambulance attendants; and

4. A portable supply of oxygen shall be located at an easily accessible location at ringside.

(f) No match shall begin or continue unless the appropriate medical equipment and personnel are on the premises, in a state of readiness, and in a pre-designated and readily accessible location known to the referee(s), physician(s), and chief official or supervisor of the amateur sanctioning

organization. Whenever an ambulance service is "on-call" as it pertains to an amateur event, an oxygen supply with its necessary equipment for proper administration shall be stationed at ringside at a location known to the referee(s), physician(s), and chief official or supervisor of the amateur sanctioning organization.

(g) A physician approved by an amateur sanctioning organization shall be licensed to practice medicine in Florida pursuant to Sections 458 or 459, Florida Statutes. The physician shall be capable of initiating life-saving procedures and required to demonstrate experience in sports medicine, trauma, neurology, or as a ringside physician.

(h) A minimum of one physician approved by the amateur sanctioning organization shall be seated ringside whenever boxing or kickboxing activity is occurring. In situations where more than one ring is assembled and utilized simultaneously with the other, a minimum of one physician shall be seated ringside at each ring where boxing or kickboxing competitions are being held.

1. In the event of injury or illness of any person registered with the amateur sanctioning organization, a registered physician shall have complete charge of such person, shall provide medical assistance, and shall be accorded the full cooperation of all amateur sanctioning organization officials present.

2. Physicians shall not leave the premises until after the final match has been conducted, all amateurs participating have been cleared by the physician(s), and the chief official or supervisor-in-charge of the amateur sanctioning organization has cleared the physician to leave.

(i) For amateur boxing, any referee assigned to perform official duties during a match shall be trained and certified to perform such duties by USA Boxing.

(j) For amateur kickboxing, any referee assigned to perform official duties during a match shall be trained and certified to perform such duties by the International Sport Kickboxing Association (ISKA) or any other training and certification process for referees approved by the commission or its executive director.

1. Applications for approval of an amateur sanctioning organization shall specify either boxing or kickboxing. Accordingly, any approval shall be limited to the sport for which the amateur sanctioning organization has applied to obtain approval. An organization seeking approval for both amateur boxing and kickboxing may submit a single application, however, the commission may approve or disapprove the organization either as a whole or as it pertains to a specific sport.

2. An amateur sanctioning organization shall adequately demonstrate to the satisfaction of the commission that the principals of the organization have sufficient background, training, and experience in sanctioning and supervising matches for which the organization is approved.

(2) Disapproval.

(a) An amateur sanctioning organization that does meet the criteria or requirements for approval provided above, shall be disapproved by the commission or its executive director.

1. Other criteria or requirements not listed above nor found in the current rules of USA Boxing and or the International Sport Kickboxing Association (ISKA) may be determined as necessary for approval. In such instances, any approved amateur sanctioning organization shall be notified by the executive director of the commission of the new criteria or requirements and given 30 days to implement the changes.

2. Failure to implement any new requirements as described in the preceding paragraph may be grounds for suspension or revocation of approval.

(3) Suspension of Approval.

(a) Any member of the commission or its executive director may suspend the approval of an amateur sanctioning organization for any of the reasons listed below:

1. Failure to supervise amateur matches;

2. Failure to enforce the approved health and safety standards; or

3. Any other health and safety requirement deemed necessary by the commission.

(b) A suspension of approval shall conform to the procedure for summary suspension under Section 120.60(6), Florida Statutes.

(c) In lieu of a suspension of approval of the amateur sanctioning organization, any member of the commission or a representative of the commission may immediately suspend one or more matches in an event whenever it appears that the match or matches violate the approved health and safety standards or any other health and safety requirement deemed necessary by the commission or a representative of the commission.

(4) Revocation of Approval.

(a) Any amateur sanctioning organization determined by the commission to inadequately sanction and supervise amateur matches based on the approved health and safety standards may be subject to revocation of its approval by the commission.

(b) In instances where a revocation of approval is ordered by the commission, an amateur sanctioning organization and its associated principals shall not seek new approval for a period of one year.

Specific Authority 548.003(2) FS. Law Implemented 548.003, 548.006, 548.0065, 548.008 FS., CS for SB 538. History—New _____.

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: Prescribing by Registered Interns, Residents, and Fellows

RULE NO.: 64B8-6.010

PURPOSE AND EFFECT: The proposed rule amendment is intended to address the prescribing of drugs by interns, residents and fellows.

SUMMARY: The proposed rule amendment clarifies the criteria for the prescribing of drugs by interns, residents and fellows.

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: 458.345, 458.309 FS.

LAW IMPLEMENTED: 458.345, 458.303(1)(d) 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:

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Continuing Education for Biennial Renewal RULE NO.: 64B8-13.005

PURPOSE AND EFFECT: The proposed rule amendments are intended to address continuing education requirements for licensure renewal.

SUMMARY: The proposed rule amendments delete the requirement for risk management for those seeking licensure renewal for the first time. In addition the proposed amendments set forth continuing education credit for those physicians who serve as monitors or supervisors to physicians who are on probation.

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(6),(7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6),(7), 456.031(1)(a),(3), 458.319(4) FS.

IF REQUESTED 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:

64B8-13.005 Continuing Education for Biennial Renewal.

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

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

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

(2) through (9) No change.

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

a licensed physician who is under indirect supervision for a period of at least one year, shall be entitled to receive 3 hours of continuing medical education credit.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 29, 2004

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLES: Statement of Intent of Purpose RULE NOS.: 64B9-17.001

Definitions 64B9-17.002

Competency and Knowledge Requirements 64B9-17.003

PURPOSE AND EFFECT: To set forth professional and educational standards and requirements for nurses who administer conscious sedation to patients, and to define which types of sedation are within the scope of registered nurses licensed under Chapter 464, F.A.C.

SUMMARY: To set forth professional and educational standards and requirements for nurses who administer conscious sedation to patients, and to define which types of sedation are within the scope of registered nurses licensed under Chapter 464, F.A.C.

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

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

SPECIFIC AUTHORITY: 464.003(a), 464.006 FS.

LAW IMPLEMENTED: 464.003(a), 464.012(3), 464.015(1),(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dan Coble, R.N., Ph.D., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

ROLE OF THE NURSE IN CONSCIOUS SEDATION

64B9-17.001 Statement of Intent of Purpose.

(1) The “practice of professional nursing” as defined by Section 464.003(3)(a), Florida Statutes, includes “the administration of treatments and medications as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medicines and treatments.” As medical science advances, new drugs and procedures are introduced to provide health services to the public. A registered nurse, when qualified by training and education and when approved by the institution at which the registered nurse is employed, may engage in the limited administration of drugs for conscious and deep sedation under specific conditions.

(2) The purpose of this rule is to protect the public by ensuring that competent registered nurses administer conscious sedation and deep sedation. The rule sets out the education and/or competency verification necessary to administer conscious sedation and deep sedation under specific conditions.

(3) To allow institutions time to evaluate the competency and knowledge of or to train the registered nurse who may want to administer conscious or deep sedation, the provisions of this rule chapter shall become operable in six months from the date this rule chapter is adopted, effective _____. Nothing shall prohibit those individuals who meet the requirements specified in this rule chapter at the time of its adoption from engaging in the administration of conscious or deep sedation as delineated in this rule chapter.

Specific Authority 464.003(a), 464.006 FS. Law Implemented 464.003(a), 464.012(3), 464.015(1),(5) FS. History—New _____.

64B9-17.002 Definitions.

Conscious sedation is produced by the administration of pharmacological agents administered singly or in combination. A patient under conscious sedation has a depressed level of consciousness, but retains the ability to independently and continuously maintain a patent airway and respond appropriately to physical stimulation and/or to verbal command. Conscious sedation may easily be converted into deep sedation or the loss of consciousness, because of the unique characteristics of the drugs used, as well as the physical status and drug sensitivities, of the individual patient. The administration of conscious sedation requires continuous monitoring of the patient and the ability to respond immediately to deviations from the norm. Conscious sedation should only be provided by an individual who is competent in thorough patient assessment, is able to administer drugs

through a variety of routes, is able to identify responses which are a deviation from the norm, and is able to intervene as necessary. Conscious sedation is used in short-term, therapeutic, diagnostic, or surgical procedures. It is important to differentiate between conscious sedation, deep sedation and general anesthesia.

(1) “Conscious sedation” is a medically controlled state of depressed level of consciousness, which allows the patient to independently and continuously maintain a patent airway, retain protective reflexes and respond appropriately to non-painful physical or verbal commands.

(2) “Deep sedation” is a medically controlled state of depressed consciousness or unconsciousness during which the patient cannot maintain a patent airway independently, which may include loss of protective reflexes, from which the patient is not easily aroused and is unable to purposely respond to physical stimulation and/or verbal command. Anesthetic agents may be used to achieve deep sedation.

(3) “General anesthesia” is a medically controlled state of unconsciousness accompanied by loss of protective reflexes, inability to maintain an airway independently and inability to respond to physical stimulation or verbal command.

Specific Authority 464.003(a), 464.006 FS. Law Implemented 464.003(a), 464.012(3), 464.015(1),(5) FS. History—New _____.

64B9-17.003 Competency and Knowledge Requirements.

(1) The Registered Nurse (RN) may administer conscious sedation and manage patients who are receiving and recovering from conscious sedation. Further, the Board believes that this role is beyond the scope of practice for the Licensed Practical Nurse or the tasks allowed for unlicensed assistive personnel.

(2) A Registered Nurse may administer medication to achieve conscious sedation during therapeutic, diagnostic, or surgical procedures provided the following criteria are met:

(a) The Registered Nurse administers only non-anesthetic drugs for conscious sedation, unless the Registered Nurse is also certified as a nurse anesthetist or unless the Registered Nurse administers anesthetic agents during an emergency under the direction and supervision of a physician;

(b) The Registered Nurse must have demonstrated skill in age-specific airway management and emergency resuscitation through advanced cardiac life support (ACLS), pediatric advanced life support (PALS), or equivalent training;

(c) The Registered Nurse must have successfully completed a program, either formal or informal, in conscious sedation. The content of that program must, at a minimum, contain information on drugs used during conscious sedation, including reversal agents, their actions, side-effects and untoward effects. The program must also address appropriate interventions and physiologic measurements for evaluating respiratory rate, oxygen saturation, blood pressure, cardiac rate and rhythm, and the patient’s level of consciousness;

(d) The Registered Nurse administers medications to achieve sedation by executing the order of a qualified anesthesia provider or attending physician;

(e) The Registered Nurse assures that a physician will be present in the facility and available to respond immediately during the course of sedation (initiation through recovery) and other qualified persons will be available to respond in the event of an emergency;

(f) A continuous patent intravenous access must be in place throughout the procedure and until the patient is recovered;

(g) The Registered Nurse is responsible for monitoring the patient throughout the procedure as well as through the recovery phase. While the Registered Nurse is managing the care of patients receiving conscious sedation, he/she shall have no other responsibility that would leave the patient unattended or compromise continuous monitoring;

(h) Emergency and resuscitative equipment must be available in the immediate area where the procedure is being performed;

(i) The institution or practice setting must have written protocols in place to include, but not be limited to, patient monitoring, drug administration, and directions for dealing with potential complications or emergency situations. These protocols must be reviewed at frequent intervals to assure that they are within current and accepted standards of practice. The frequency of review should be consistent with review of other policies in the institution or practice setting; and,

(j) The employer must have a mechanism for determining and documenting education/training, clinical competency and a process for documenting the individual's demonstration of knowledge, skills, and ability related to management of patients during conscious sedation. Both evaluation and documentation of competence shall be done on a periodic basis according to institutional policy and within current and expected standards of nursing practice.

(3) A Registered Nurse may administer medication to achieve deep sedation only to a monitored, intubated and mechanically ventilated patient who is located in an intensive care, critical care or emergency setting provided the following criteria in paragraphs 64B9-17.004(1)(a)-(d), F.A.C., and paragraphs 64B9-17.004(1)(f)-(j), F.A.C., are met.

(4) A Registered Nurse shall not administer general anesthesia unless licensed per Section 464.012, Florida Statutes, as a certified registered nurse anesthetist or unless licensed as a certified nurse midwife.

Specific Authority 464.003(a), 464.006 FS. Law Implemented 464.003(a), 464.012(3), 464.015(1),(5) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLE: Administrative Enforcement
RULE NO.: 64F-12.024

PURPOSE AND EFFECT: To update the rule related to payment of administrative fines imposed under the Florida Drug and Cosmetic Act, Chapter 499, Florida Statutes and the Regulation for Drugs, Devices and Cosmetics, Rule Chapter 64F-12, F.A.C. This rule amendment will authorize payment of administrative fines by personal or corporate checks, in addition to the forms stated in the current rule of a cashier's check, certified check, money order, or other guaranteed funds. The department has accepted personal or corporate checks in satisfaction of administrative fines and this amendment will conform rule language to department practice.

SUMMARY: The proposed rule amendment will add two other acceptable forms for payment of administrative fines imposed by the department related to violations of the Florida Drug and Cosmetic Act and the rules adopted thereunder. Those two additional forms include personal check or corporate check. In order to finalize agency action upon receipt of a personal or corporate check, which may subsequently prove uncollectible, the rule provides for enforcement of the underlying agreement as provided in Section 120.69, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: This rule amendment provides a cost savings since a person may use a personal check or corporate check to satisfy an administrative fine payment rather than incurring a possible charge related to obtaining a cashier's check, certified check, money order, or other guaranteed funds. 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: 499.05 FS.

LAW IMPLEMENTED: 499.066 FS.

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

TIME AND DATE: 10:30 a.m. (EST), Tuesday, January 4, 2005

PLACE: 2818-A Mahan Drive, Tallahassee, Florida

If special accommodations are needed to attend this workshop because of a disability, please contact: Maxine Wenzinger, (850)922-5190.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-12.024 Administrative Enforcement.

(1) through (4) No change.

(5) Administrative fines due the department may be paid by personal check, corporate check, cashier's check, certified check, money order, or other guaranteed funds, payable to the Florida Drugs, Devices and Cosmetics Trust Fund, at 2818-A Mahan Drive, Tallahassee, Florida 32308. The department will take further legal action, including but not limited to, enforcing the underlying agreement if payment of an administrative fine by means of non-guaranteed funds does not result in the full payment of the fine.

(6) No change.

Specific Authority 499.05 FS. Law Implemented 499.066 FS. History--New 7-1-96, Formerly 10D-45.0595, Amended 1-26-99, 4-17-01, 1-1-04,

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Hill, Chief of Statewide Pharmaceutical Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil E. Williams, Director, Division of Health Awareness and Tobacco
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Services

RULE TITLE: RULE NO.:

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

PURPOSE AND EFFECT: Rule 65A-1.7141, F.A.C., Medicaid SSI-Related Post Eligibility Treatment of Income provides criteria, including the criteria for treatment of uncovered medical expense deductions, used to calculate patient responsibility for recipients of Medicaid institutional programs, Hospice and the Assisted Living Home and Community-Based waiver program.

SUMMARY: Rule 65A-1.7141, F.A.C., Medicaid SSI-Related Post Eligibility Treatment of Income provides criteria, including the criteria for treatment of uncovered medical expense deductions, used to calculate patient responsibility for recipients of Medicaid institutional programs, Hospice and the Assisted Living Home and Community-Based waiver program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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., December 16, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nathan Lewis, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 449, Tallahassee, FL 32399-0700, (850)414-5927

THE FULL TEXT OF THE PROPOSED RULE IS:

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

After an individual satisfies all non-financial and financial eligibility criteria for Hospice, institutional care services or Assisted Living waiver (ALW/HCBS), the department determines the amount of the individual's patient responsibility. This process is called post eligibility treatment of income.

(1) For Hospice and institutional care services, the following deductions are applied to the individual's income to determine patient responsibility:

(a) Individuals residing in medical institutions shall have \$35 of their monthly income protected for their personal need allowance.

(b) If the individual earns therapeutic wages, an additional amount of income equal to one-half of the monthly therapeutic wages up to \$111 shall be protected for personal need. This protection is in addition to the \$35 personal need allowance.

(c) Individuals who elect Hospice service have an amount of their monthly income equal to the federal poverty level protected as their personal need allowance unless they are a resident of a medical institution, in which case \$35 of their income is protected for their personal need allowance.

(d) The department applies the formula and policies in 42 U.S.C. section 1396r-5 to compute the community spouse income allowance after the institutionalized spouse is determined eligible for institutional care benefits. The standards used are in subsection 65A-1.716(5), F.A.C. The current standard Food Stamp utility allowance is used to determine the community spouse's excess utility expenses.

(e) For community Hospice cases, a spousal allowance equal to the SSI Federal Benefit Rate (FBR) minus the spouse's own monthly income shall be deducted from the individual's income. If the individual has a spouse and a dependent child(ren) they are entitled to a portion of the individual's income equal to the Temporary Cash Assistance

consolidated need standard (CNS) minus the spouse and dependent's income. For CNS criteria, refer to subsection 65A-1.716(1), F.A.C.

(f) For ICP or institutionalized Hospice, income is protected for the month of admission and discharge, if the individual's income for that month is obligated to directly pay for their cost of food or shelter outside of the facility.

(g) Effective January 1, 2004, the department allows a deduction for the actual amount of health insurance premiums and actual medical expenses, not subject to payment by a third party, incurred by a Medicaid recipient for programs involving post eligibility calculation of a patient responsibility, as authorized by the Medicaid State Plan and in accordance with 42 CFR 435.725.

1. The medical services or item must meet all the following criteria:

a. Be recognized under state law;

b. Be medically necessary;

c. Be paid by the recipient or their representative using the recipient's funds;

d. Be paid to the provider of services;

e. Not be a Medicaid compensable expense; and

f. Not be covered by the facility or provider per diem.

2. Expenses for services or items received prior to the first month of Medicaid eligibility can only be used in the initial projection of medical expenses if the service or item was provided during the three months prior to the month of application and is anticipated to recur in the initial projection period.

3. For the initial projection period, the department will allow a deduction for (a) the actual amount of health insurance premiums (prorated if paid less frequently than monthly) and (b) a deduction for the anticipated amount of uncovered medical expenses incurred during the three months prior to application that are expected to recur in the initial projection period.

4. Actual incurred and recognized expenses will be deducted in each of the three months prior to the Medicaid application month when an applicant requests three months prior Medicaid coverage and is eligible in the prior month(s).

5. The initial projection period is the first day of the first month of the client's Medicaid eligibility beginning no earlier than the application month through the last day of the sixth month following the month of approval. A semi-annual review is scheduled for the fifth month after the month approved to evaluate the recipient's actual incurred medical expenses for the prior six months.

6. For the semi-annual review, the department will request documentation of the recipient's actual incurred medical expenses for the prior six months.

a. If the recipient documents their actual expenses, staff must compare the total projected expenses budgeted with the total actual recurring expenses to determine if the projection was accurate. If the projection was overstated or understated by more than \$120, the department must use the amount overstated or understated by more than \$120 combined with the total expenses expected to recur and any one-time expense incurred during the period to compute an average amount to deduct from patient responsibility for the next projection period if possible. If an adjustment is not possible in the next period, the department must adjust the patient responsibility for each past month in which an expense was overstated.

b. If a recipient fails to document their actual expenses for the last projection period at the time of their semi-annual review, the department must assume the recipient did not incur the expense(s) which was projected. The department will remove the deduction for the next projection period and calculate the total amount of deductions incorrectly credited in the prior projection period to adjust the recipient's future patient responsibility. If an adjustment is not possible in the next period, the department must adjust the patient responsibility for each past month in which an expense was overstated.

7. The steps in section (g)6. above must be repeated for each semi-annual review.

8. Recipients must report their uncovered medical expenses timely.

a. New, recurring uncovered medical expenses must be reported within 10 days of receiving the service or no later than the tenth day of the month in which their next semi-annual review is due. If the due date falls on a weekend or holiday, the recipient must report by the end of the next working day. Recurring expenses reported timely will be included in the calculation of patient responsibility beginning with the month the expense was incurred. Recurring expenses not reported timely will be included in the calculation of patient responsibility beginning the month reported and will be prorated for the remaining months of the projection period, but no adjustments in patient responsibility will be made for past months in which expenses went unreported.

b. Non-recurring (one-time) uncovered medical expenses must be reported no later than the tenth day of the month in which their next semi-annual review is due. If the due date is a weekend or holiday, the recipient must report by the end of the next working day. Non-recurring expenses reported timely will be held until the semi-annual review month and prorated over the next six-month period. Non-recurring expenses not reported timely will not be included as a deduction in the patient responsibility calculation.

(2) For ALW/HCBS, the following deductions shall apply in computing patient responsibility:

(a) An allowance for personal needs in the amount equal to the Optional State Supplementation (OSS) (as defined in Chapter 65A-2, F.A.C.) cost of care plus the OSS personal need allowance.

(b) An amount equal to the cash assistance consolidated need standard minus the dependent's income for the client's dependent unmarried child under age 21 or their disabled adult child living at home, when there is no community spouse.

(c) Deductions in paragraphs (1)(b), (d), (f) and (g) as applicable.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nathan Lewis, Program Administrator
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Connie B. Reinhardt, Acting Director, Economic Self-Sufficiency Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 2004
Purchase Order No.: LA1377

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES: Compliance and Reporting Requirements Forms
RULE NOS.: 67-52.008 67-52.010

PURPOSE, EFFECT AND SUMMARY: This Rule establishes the compliance procedures by which the Florida Housing Finance Corporation shall administer its various programs. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness in the enforcement of Florida Housing's Rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.507, 420.508, 420.509, 420.5087, 420.9075, 420.5089, 420.5099 FS.; Chapter 93-186, Laws of Florida.

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: Maelene Tyson, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULES IS:

67-52.008 Compliance and Reporting Requirements.

(1) through (9) No change.

(10) SAIL loan Applicants shall annually certify that the household gross income, adjusted for family size, of each household occupying a unit set aside for Very Low-Income persons or households meets income requirements specified in Section 142(d)(3)(B) of the Code, which is adopted and incorporated herein by reference. Should the annual recertification of such households result in noncompliance with income occupancy requirements, the next available unit must be rented to a household qualifying under the provisions of Section 420.5087(2), F.S., in order to ensure continuing compliance of the Development.

(11) The Corporation shall approve the SAIL loan Applicant's selection of a management company prior to such company assuming responsibility for the Development. The SAIL loan Applicant, its designated representative, or the managing agent of the Development must attend a Corporation-sponsored training workshop on certification and compliance procedures prior to the leasing of any units in the Development.

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089, 420.5099 FS. History—New 7-22-96, Amended 12-23-96, 1-6-98, Formerly 91-48.006, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, Formerly 67-48.006, Amended _____.

67-53.010 Forms.

The following forms are hereby incorporated by reference. Copies are available on the Corporation's Website or may be obtained by contacting the Compliance Department, Florida Housing Finance Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329:

- AOC-1 – Annual Owner Compliance Certification Form
- PR-1 – Program Report
- TIC-1 – Tenant Income Certification

Specific Authority 420.507 FS. Law Implemented 420.5087, 420.5089, 420.509, 420.5099, 420.524, 420.9072 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bonnie Percy-Hill, Assistant Director Asset Management, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wellington Meffert, General Counsel, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2004

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Treasury

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

PURPOSE AND EFFECT: The draft rule addresses two issues. The first is an attempt to clarify and limit unforeseeable emergency withdrawals from the Florida Employees Deferred Compensation Plan. The second is to clarify the meaning of "Normal retirement age" for determining eligibility of a deferred compensation participant to use the catch up provision to increase contribution to beyond usual limits during the last three calendar years before reaching "normal retirement age," as is permitted under 26 USC 457(c)(3).

SUMMARY: The draft rule adopts a revised Deferred Compensation Plan which contains new language at § 6.01(5)(c) 2.b. pages 25-27 which will limit the eligibility for unforeseeable emergency withdrawals to: (1) medically necessary expenses, (2) funeral expenses of an immediate family member, (3) loss of income due to injury or illnesses, (4) casualty losses, (5) loss of child support payments, (6) entry of a child into the household due to death, illness, or incarceration of parent or (7) an extraordinary event so improbable that it could not have been prevented or overcome by a reasonable prudent person through savings insurance, credit or other financial preparation.

The definition of "Normal Retirement Age" is being clarified to provide that in the event that the participant does not make a selection, the normal retirement age shall be the participant's age at the later of the participant's birth date in the calendar year following the year in which separation from service takes place, or the date the participant would have become eligible to receive unreduced benefits from the Florida Retirement System (FRS).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 112.215(11) FS.

LAW IMPLEMENTED: 18.125(4)(c), 112.215 FS.

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

TIME AND DATE: 1:30 p.m., December 20, 2004

PLACE: Room 415, Hermitage Centre, Suite 400, 1801 Hermitage Blvd., Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kandi Winters, Chief of Deferred Compensation, Division of Treasury, Bureau of Deferred Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0346, (850)413-3162

THE FULL TEXT OF THE PROPOSED RULE IS:

69C-6.003 The Plan; Prescribed Forms.

(1) Form ~~DFS-J3-1176~~ ~~DA-1176~~ (rev. ~~9/04~~ ~~1/02~~), State of Florida Employees Deferred Compensation Plan, is hereby established and incorporated into this rule by reference as the plan contemplated in Section 112.215, F.S.

(2) through (4) No change.

Specific Authority 112.215(11) FS. Law Implemented 18.125(4)(c), 112.215 FS. History--New 1-1-87, Amended 10-7-87, 2-14-88, 2-19-89, 6-21-89, 8-7-95, 9-21-98, 6-3-02, 8-26-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kandi Winters, Financial Administrator, Deferred Comp Section, Division of Treasury, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bruce Gillander, Division Director, Division of Treasury, Department of Financial Services

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

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: Conditional Release of Stop Work Order
 and Periodic Payment Agreement
 RULE NO.: 69L-6.025

PURPOSE AND EFFECT: The rule is being promulgated to reflect an amendment to Section 440.107(7)(a), Florida Statutes, contained in Chapter 2004-370, Laws of Florida regarding the conditional release of stop-work orders.

SUMMARY: The amendment to Section 440.107(7)(a), Florida Statutes, authorizes the Division of Workers' Compensation to conditionally release an employer from a stop-work order upon a finding that the employer has complied with the coverage requirements of Chapter 440, Florida Statutes, and has agreed to remit periodic payments of the penalty pursuant to a payment agreement schedule. Further, the amendment requires that the stop-work order be immediately reinstated if the employer fails to meet any term or condition of the penalty payment agreement, with the unpaid balance of the penalty becoming immediately due.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(7)(a) FS.

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

TIME AND DATE: 9:00 a.m., December 21, 2004

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.025 Conditional Release of Stop Work Order and Periodic Payment Agreement.

(1) The requirements for issuance of an Order of Conditional Release From Stop Work Order as provided for in Section 440.107, F.S. are:

(a) The employer has come into compliance with the coverage requirements of Chapter 440, F.S. Compliance with the coverage requirements of Chapter 440, F.S. includes demonstration by the employer that it is no longer failing to secure the payment of compensation within the meaning of Section 440.107, F.S.

(b) The employer and the Department have executed a Payment Agreement Schedule for Periodic Payment of Penalty, Form Number DFS-F4-1600 (rev. 7/04).

(c) The employer agrees to file probationary periodic reports with the Department that demonstrate the employer's continued compliance with Chapter 440, F.S. The probationary periodic reports shall be filed as a section of each monthly payment installment invoice pursuant to the Payment Agreement Schedule for Periodic Payment of Penalty.

(2) The terms and conditions of a Payment Agreement Schedule for Periodic Payment of Penalty shall be:

(a) The employer shall make a down payment on the total assessed penalty amount to the Department that is the greater of \$1000.00 or at least 10% of the total assessed penalty

amount. The amount constituting the total assessed penalty amount, less the down payment, shall be referred to as the "remaining penalty".

(b) Each monthly payment installment is due on the first day of the month in which it is due, and the employer is in violation of the Payment Agreement Schedule for Periodic Payment of Penalty if the full monthly payment installment is not received by the Department by the last day of the month in which the payment installment is due:

1. An employer whose remaining penalty is less than \$13,500, shall pay the remaining penalty in twelve consecutive monthly installments.

2. An employer whose remaining penalty is \$13,500 or greater shall pay the remaining penalty in twenty-four consecutive monthly installments.

3. The employer may at any time pre-pay the installments of the remaining penalty, which have not become due.

4. The first monthly payment installment shall be due on the first day of the second month following the month of issuance of the Conditional Release From Stop Work Order, Form Number DFS-F4-1602 (rev. 6/04), and each subsequent payment installment shall be due on the first day of each consecutive month.

(c) Monthly payment installments shall only be remitted to the Department's address designated in the Payment Agreement Schedule for Periodic Payment of Penalty.

(d) Monthly payment installments shall be in the form of a cashier's check or money order only, made payable to the Workers' Compensation Administration Trust Fund.

(e) If the employer is a corporation, only an officer of the corporation may execute the Payment Agreement Schedule For Periodic Payment of Penalty on behalf of the employer.

(f) If the employer is a business entity other than a corporation, any principal of the business entity may execute the Payment Agreement Schedule For Periodic Payment of Penalty on behalf of the employer.

(g) Failure by the employer to meet or violation of any term or condition of the Payment Agreement Schedule For Periodic Payment of Penalty shall constitute a default by the employer.

(3) The Payment Agreement Schedule For Periodic Payment of Penalty becomes effective when it is executed on behalf of the employer and by the Department. Upon execution of the Payment Agreement Schedule For Periodic Payment of Penalty, the Department will provide the employer with a Monthly Payment Installment Invoice, Form Number DFS-F4-1601 (rev. 8/04), which shall be submitted with each monthly payment installment. Each Monthly Payment Installment Invoice contains a probationary reporting section that shall be completed by the employer.

(4) If an employer defaults under any of its obligations under the Payment Agreement Schedule For Periodic Payment of Penalty, the Stop Work Order to which the penalty applies

shall be immediately reinstated and the entire unpaid balance of the remaining penalty shall immediately become due and payable.

(5) The Department hereby adopts and incorporates the following forms by reference. Copies of the forms can be obtained from the Division of Workers' Compensation's Bureau of Compliance, 200 East Gaines Street, Tallahassee, Florida 32399-4228, or from any field office identified in Rule 69L-6.009, F.A.C.

- (a) DFS-F4-1600 Payment Agreement Schedule For Periodic Payment of Penalty rev. 7/04
- (b) DFS-F4-1601 Monthly Payment Installment Invoice rev. 8/04
- (c) DFS-F4-1602 Order of Conditional Release From Stop-Work Order rev. 6/04

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7)(a) FS. History--New _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Categories of Reserves	69O-154.203
Specific Minimum Standards for Morbidity, Mortality and Interest	69O-154.204

PURPOSE, EFFECT AND SUMMARY: Make modifications to the established basis for determining adequacy of an insurers' health insurance reserves; especially related to long-term care individual policies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 625.121(14), 625.081 FS.

LAW IMPLEMENTED: 624.307(1), 625.081, 625.121 FS.

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

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

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kerry Krantz, Office of Insurance Regulation, e-mail: kerry.krantz@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-154.203 Categories of Reserves.

(1) through (2) No change.

(3) Contract Reserves.

(a) General.

1. through 4. No change.

5. The total contract reserve established shall incorporate provisions for moderately adverse deviations.

(b) Minimum Standards for Contract Reserves.

1. Basis.

a. Morbidity or other Contingency.

(I) No change.

(II) Contracts for which tabular morbidity standards are not specified in subsection 69O-154.204(1), F.A.C., shall be valued using tables established for reserve purposes by a qualified actuary. The morbidity tables shall contain a pattern of incurred claims cost that reflects the underlying morbidity, and shall not be constructed for the primary purpose of minimizing reserves.

(A) In determining the morbidity assumptions, the actuary shall use assumptions that represent the best estimate of anticipated future experience, but shall not incorporate any expectation of future morbidity improvement.

(B) Morbidity improvement is a change, in the combined effect of claim frequency and the present value of future expected claim payments given that a claim has occurred, from the current morbidity tables or experience that will result in a reduction to reserves.

(C) It is not the intent of this provision to restrict the ability of the actuary to reflect the morbidity impact for a specific known event that has occurred and that is able to be evaluated and quantified.

b. No change.

c. Termination Rates. Termination rates used in the computation of reserves shall be on the basis of a mortality table specified in rule subsection 69O-154.204(3), F.A.C., except as follows:

(I) through (III) No change.

(IV) For long-term care individual policies or group certificates issued on or after January 1, 2005, the contract reserve shall be established on the basis of:

(A) Separate mortality as specified in subsection 69O-154.204(3), F.A.C.; and

(B) Terminations other than mortality, where the terminations are not to exceed:

(i) For policy year one, the lesser of 80 percent of the voluntary lapse rate used in the calculation of gross premiums and 6 percent;

(ii) For policy years 2 through 4, the lesser of 80 percent of the voluntary lapse rate used in the calculation of gross premiums and 4 percent; and

(iii) For policy years 5 and later, the lesser of 100 percent of the voluntary lapse rate used in the calculation of gross premiums and 2 percent, except for group long-term care insurance sold to one or more employers, as defined in Section 627.9405(1)(a), Florida Statutes, where the 2 percent shall be 3 percent.

d. through f. No change.

(c) through (d) No change.

Specific Authority 624.308(1), 625.121(14), 625.081 FS. Law Implemented 624.307(1), 625.081, 625.121 FS. History--New 4-14-99, Formerly 4-154.203, Amended 3-1-04,_____.

69O-154.204 Specific Minimum Standards for Morbidity, Mortality and Interest.

(1) through (2) No change.

(3) Mortality.

(a) through (b) No change.

(c) For long-term care insurance individual policies or group certificates issued on or after January 1, 1999, the mortality basis used shall be the 1983 Group Annuity Mortality Table, incorporated by reference in Rule 69O-154.210, F.A.C., without projection.

2. For long-term care insurance individual policies or group certificates issued on or after January 1, 2005, the mortality basis used shall be the 1994 Group Annuity Mortality Table, which is the 1994 GAR Table without projection, qx 1994, incorporated by reference in Rule 69O-162.108, F.A.C.

(d) through (e) No change.

Specific Authority 624.308(1), 625.121(14), 625.081 FS. Law Implemented 624.307(1), 625.081, 625.121 FS. History--New 4-14-99, Formerly 4-154.204, Amended 3-1-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kerry Krantz, Actuary, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jovita Ashton, Bureau Chief, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation

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

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.:	RULE TITLE:
1S-5.001	Voting System Equipment Regulations

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-5.001, F.A.C., published in Vol. 30, No. 36, page 3641, September 3, 2004, has been changed to reflect comments received from JAPC and staff. Changes were made to Form DS-DE 101, incorporated by reference to Rule 1S-5.001, F.A.C., as follows:

(1) The standard to be applied when testing for equipment resistance to sand and dust is MIL-STD-810D (eff. 7/83) in lieu of MIL-STD-810F.

Technical changes such as reformatting and page renumbering are also made.

The revised proposed rule language may be obtained from the Division of Elections' website at <http://election.dos.state.fl.us> or by contacting: David Drury, (850)245-6220.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Law enforcement

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5A-16	Agricultural Vehicle Inspection
RULE NOS.:	RULE TITLES:
5A-16.003	Procedure for Conducting Vehicle Inspection
5A-16.005	Commercial Carrier Pre-clearance Program

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. 40, October 1, 2004, issue of the Florida Administrative Weekly. These changes are being made in response to comments received from the Joint Administrative Procedures Committee.

5A-16.003 Procedure for Conducting Vehicle Inspection.
 (1)(a) The examination of documents including but not limited to bill of lading, proof of ownership, certificate of inspection, ~~Florida Exempt Cargo Manifest~~ and similar or related documents.

- (b) No change.
- (2) through (6) No change.

Specific Authority 570.07(23), 570.15(1),(2),(5) FS.

5A-16.005 Commercial Carrier Pre-clearance Program.

(1) No change.
 (2) Qualifying trucking concerns and truck lines may apply to the Department requesting approval to participate in the Commercial Carrier Pre-clearance Program by acquiring from and submitting a completed Commercial Carrier Pre-clearance Program application form number DACS-01281 (effective 7/04) to the Office of Agricultural Law Enforcement, Post Office Box 850, Old Town, Florida 32680.

- (3) through (4) No change.

(5) Participants of the Commercial Carrier Pre-clearance Program shall be subject to a modification in the number of compliance spot checks ~~disciplinary action~~ for any of the following causes:

- (a) through (c) No change.

(6) Participants of the Commercial Carrier Pre-clearance Program who are determined to have engaged in those acts prescribed in paragraph (5) above shall be subject to the following conditions ~~penalties~~ :

(a) First time offenders shall be subject to ~~an administrative fine of up to two thousand dollars (\$2,000) and~~ an increase in compliance spot checks of the participating carrier vehicles up to fifty percent (50%);

(b) Second offense shall be subject to ~~an administrative fine of up to five thousand dollars (\$5,000) and~~ suspension of their participation in the program for a period not to exceed one hundred eighty (180) days;

- (7) No change.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5C-21	Pseudorabies
RULE NOS.:	RULE TITLES:
5C-21.002	Definitions
5C-21.010	General Requirements and Limitations
5C-21.011	Vaccination, Approval and Procedures

5C-21.012	Procedures for Control and Eradication of Pseudorabies
5C-21.015	Pseudorabies Quarantine, Release Procedures and Disposition of Swine Movement Requirements
5C-21.018	Commercial Production Swine Herd Requirements

NOTICE OF CHANGE

Notice is hereby given that the proposed Rule 5C-21, F.A.C., published in the Florida Administrative Weekly, Vol. 30, No. 40, October 1, 2004, has been changed to reflect comments received from the Joint Administrative Procedures Committee. When changed, Chapter 5C-21, F.A.C., shall read as follows:

(Substantial rewording of Rule 5C-21.002 follows. See Florida Administrative Code for present text.)

5C-21.002 Definitions.

(1) Accredited Veterinarian. A veterinarian licensed in the state of origin and approved by the Administrator, United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA, APHIS) to perform certain functions of federal and cooperative state-federal programs in accordance with the provisions of Title 9 Code of Federal Regulations (9 CFR) § 160 - § 162 (2004).

(2) Administrator. The Administrator of USDA, APHIS, or any person authorized to act for the Administrator.

(3) Approved Game Reserve. A premises containing game animals intended for hunting which complies with the requirements of a quarantined feedlot under 9 CFR § 85.1 (2004) also meeting the following criteria:

(a) Operates under a written herd health plan, utilizing criteria provided in Initial Approval and Inspection of an Approved Game Reserve for the Acceptance of Feral Swine, DACS-09197 11/04, that is approved by the State Veterinarian;

(b) Is surrounded by fencing adequate to reasonably prevent both the escape of enclosed animals and unsolicited additions of animals outside of the enclosure;

(c) Accepts swine of unknown disease status;

(d) Collects blood and/or tissue samples from swine at the time of kill and submits the samples for testing by the Florida Department of Agriculture and Consumers Services, Division of Animal Industry, Bureau of Diagnostic Laboratories, or USDA.

(e) Allows swine to leave the facility only when they are killed or sold through direct-to-slaughter-only trade channels, or transported to another Approved Game Reserve.

(4) Approved All-Class Market. A livestock market approved by the Administrator pursuant to 9 CFR § 71.20 (2004) where swine are received, handled and released in accordance with Federal interstate regulations and applicable state regulations and 9 CFR § 71 (2004), § 78 (2004), and § 85 (2004).

(5) Approved Differential Pseudorabies Test. Any test for the diagnosis of pseudorabies that:

(a) Can distinguish vaccinated swine from infected swine;

(b) Is produced under license from the Secretary of Agriculture with indications for use in the Cooperative State-Federal-Industry Pseudorabies Eradication Program; and

(c) Is conducted by the Florida Department of Agriculture and Consumers Services, Division of Animal Industry, Bureau of Diagnostic Laboratories, or USDA.

(6) Approved Feral Swine Holding Facility. A temporary holding facility for captured feral swine prior to being slaughtered, moved directly to slaughter, or moved to an Approved Game Reserve. Such facility must be inspected and approved annually by the Department, utilizing criteria provided in Application/Inspection for Approved Feral Swine Holding Facility and/or Registration as a Feral Swine Dealer, DACS-09188 11/04.

(7) Approved Pseudorabies Vaccine. A pseudorabies vaccine licensed by USDA as provided in 9 CFR § 102 (2004), and the State Veterinarian for use in the state as provided in § 585.21, Florida Statutes.

(8) Approved Slaughter Market. A livestock market approved by the Administrator pursuant to 9 CFR § 71.20 (2004) where slaughter swine are received, handled, and released in accordance with applicable state regulations and 9 CFR § 71 (2004), § 78 (2004), and § 85 (2004).

(9) Area Veterinarian-in-Charge (AVIC). The veterinary official of USDA, APHIS who is assigned by the Administrator to supervise and perform animal health work in the state/area.

(10) Brucellosis. An infectious disease of animals and humans caused by bacteria of the genus *Brucella*.

(11) Commercial Production Swine Herd. A swine herd approved and recognized by the Division that has been continuously managed with adequate facilities and practices to prevent exposure to either transitional or feral swine. These herds meet or exceed the requirements of a Pseudorabies Monitored Feeder Pig Herd, a Validated Brucellosis Herd, and a Qualified Pseudorabies Negative Herd, provided that after the initial qualifying test, an appropriate percentage of the herd is tested monthly or quarterly as specified in The Pseudorabies Eradication Program Standards, APHIS 91-55-071, November 1, 2003, The Swine Brucellosis Control/Eradication Uniform Methods & Rules, APHIS 91-55-042, April 1998, and 9 CFR § 78.1 & § 85.1 (2004).

(12) Commercial Production Swine Herd Management Plan. A written herd management and testing agreement between the Division and the herd owner which must be renewed annually.

(13) Common Ground. The ground, area, building, and equipment commonly shared by any specific group of livestock.

(14) Dealer. Any person who engages in the business of buying or selling swine in commerce, either for their own account or as an employee or agent of the seller or buyer or any person who engages in the business of buying or selling swine in commerce on a commission basis. The term shall not include persons who buy or sell swine only as part of their own breeding and feeding operation or who receive swine exclusively for immediate slaughter on their own premises and who are not otherwise engaged in the business of buying, selling, trading, or negotiating transfer of swine.

(15) Department. The Florida Department of Agriculture and Consumer Services.

(16) Direct Shipment of Feral or Transitional Swine. Movement of feral or transitional swine without unloading en route, and without contact with infected or exposed livestock.

(17) Division. The Division of Animal Industry of the Department.

(18) Exposed Livestock. All susceptible livestock that have been in contact with an animal infected with pseudorabies, including all susceptible livestock in a known infected herd. Susceptible livestock other than swine that have not been exposed to a clinical case of pseudorabies for the last ten consecutive days shall no longer be considered to be exposed.

(19) Feral Swine. Swine that are free-roaming.

(20) Feral Swine Dealer. Any person that traps, buys, sells, or trades feral swine and is registered with the Division by submitting the Application/Inspection for Approved Feral Swine Holding Facility and/or Registration as a Feral Swine Dealer, DACS-09188 10/04.

(21) Herd. Any group of livestock maintained on common ground for any purpose or two or more groups of livestock under common ownership or supervision geographically separated but which have an interchange of animals.

(22) Herd Cleanup Plan. A written, mandatory plan to eliminate or control pseudorabies from a swine herd which is developed by a pseudorabies epidemiologist and other designated state and federal representatives in consultation with the herd owner and, when requested by the owner, the owner's veterinary practitioner, utilizing criteria provided in Herd Cleanup Plan – Swine, DACS-09209 11/04, and as provided in Pseudorabies Eradication, State-Federal-Industry Program Standards, APHIS 91-55-071, November 1, 2003 and is approved by the Division.

(23) Isolation. Separation of individual swine by a physical barrier in a manner that assures one pig does not have access to the body, excrement, or discharges of another pig; does not share a building with a common ventilation system; and is not within ten feet of another pig.

(24) Official Individual Identification. A unique individual identification that is secure, traceable, and capable of carrying unique numbers from a central repository; including, but not limited to: official USDA eartags that conform to the

alphanumeric National Uniform Eartagging System, ear tattoo, using the National Uniform Tag code number assigned by USDA to the state of origin, or any electronic identification device with a unique number that is recorded in a single central database, or other USDA-approved identification device that conforms to the alphanumeric National Uniform Eartagging System. It may bear the valid premises identification used in conjunction with the producer's livestock production numbering system to provide a unique identification number. An owner's private brand or tattoo, even though permanent and registered in the state of origin, is not an acceptable individual animal identification for the purposes of entry into Florida.

(25) Official Random-Sample Test. A sampling procedure utilizing a pseudorabies test or an approved differential pseudorabies test, which provides a 95 percent probability of detecting infection in a herd in which at least 5 percent of the swine are positive for pseudorabies. Each segregated group of swine on an individual premises is considered to be a herd and must be sampled as provided in the Program Standards.

(26) Owner. The owner of the animal or herd or the owner's authorized representative or agent.

(27) Program Standards. The requirements for the pseudorabies eradication program as provided in USDA APHIS publication, Pseudorabies Eradication, State-Federal-Industry Program Standards, APHIS 91-55-071, November 1, 2003.

(28) Pseudorabies. The contagious, infectious, and communicable disease of livestock and other animals also known as Aujeszky's disease, mad itch, or infectious bulbar paralysis.

(29) Pseudorabies Epidemiologist. A state or federal veterinarian designated by the State Veterinarian and the USDA, APHIS AVIC to investigate and diagnose pseudorabies in livestock.

(30) Pseudorabies Test. Any official test used for the diagnosis of pseudorabies approved by the Division and conducted in an approved laboratory. Approved tests are listed in 9 CFR § 85.1 (2004).

(31) Quarantine. A legally directed isolation of animals or defined geographic area to prevent the spread of disease or pests.

(32) Recognized Slaughtering Establishment. A slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.).

(33) Risk Assessment. An epidemiologic analysis completed by a state or federal representative, and approved by the Division, as provided in Epidemiological Analysis Herd Risk Assessment, DACS-09156 11/04, that evaluates the probability for exposure to swine of unknown disease status.

(34) Segregate. To maintain a group of swine separate from another group of swine in such a manner as to prevent physical contact between swine of the two groups.

(35) State or Federal Representative. A full-time employee of USDA, APHIS approved by the Area Veterinarian-in-Charge; or a full-time employee of the Department approved by the State Veterinarian.

(36) State Swine Health Advisory Committee. An advisory committee appointed by the State Veterinarian which is composed of representatives of swine producers and swine organizations within the state, licensed accredited veterinarians, general farm organizations, livestock markets, recognized slaughtering establishments, animal scientists, and state and federal regulatory officials.

(37) State Veterinarian. The Director of the Division of Animal Industry, Florida Department of Agriculture and Consumer Services.

(38) Susceptible Livestock. Swine, cattle, sheep, and goats.

(39) Commercial Production Swine Herd Management Plan. A written herd management and testing agreement between the Division and the herd owner which must be renewed annually.

(40) Transitional Swine. Swine that have been, or have had the potential to be, exposed to swine of unknown status, including feral swine.

(41) Forms and Materials. Herd Cleanup Plan – Swine, DACS-09209 11/04 and Application/Inspection for Approved Feral Swine Holding Facility and/or Registration as a Feral Swine Dealer, DACS-09188 11/04 are hereby incorporated by reference. Pseudorabies Eradication, State-Federal-Industry Program Standards, APHIS 91-55-071, November 1, 2003, The Swine Brucellosis Control/Eradication Uniform Methods & Rules, APHIS 91-55-042, April 1998, Federal Meat Inspection Act (21 U.S.C. 601 et seq.), 9 CFR § 71 (2004), 9 CFR § 78 (2004), 9 CFR § 85 (2004), 9 CFR § 102 (2004), and 9 CFR § 160 - § 162 (2004), are hereby incorporated by reference. Copies of Department forms may be obtained from the Division of Animal Industry, 407 S. Calhoun St., Tallahassee, FL 32399-0800; (850)410-0900. Copies of USDA forms and materials may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 570.0705, 585.01, 585.08(1), 585.11, 585.145(1) FS. History—New 5-17-87, Amended 10-23-94, 9-2-99, _____.

(Substantial rewording of Rule 5C-21.010 follows. See Florida Administrative Code for present text.)

5C-21.010 General Requirements and Limitations.

(1) Owner Cooperation Required. With notice from the Department, the owner of any swine must present the swine for testing and other procedures required in this chapter, and provide the necessary facilities and personnel to assist the state or federal representative in conducting these tests and procedures.

(2) Official Individual Identification. All swine presented for testing must have official individual identification.

(3) Cooperation with USDA, APHIS. The Department shall cooperate with the USDA, APHIS in implementing the Pseudorabies Eradication, State-Federal-Industry, Program Standards as specified in APHIS 91-55-071, November 1, 2003.

(4) State Swine Health Advisory Committee. The State Veterinarian is authorized to establish the State Swine Health Advisory Committee. The committee shall act in an advisory capacity to the State Veterinarian regarding the control and eradication of swine diseases.

(5) Natural Habitat Removals. Any person who removed feral swine from their natural habitat is responsible for satisfying the movement requirements contained in this section.

(6) Feral Swine Dealers Registration. Feral Swine Dealers are required to be registered with the division and must keep records of all transactions, dealing with feral swine, listing names, addresses, telephone numbers (when available), dates, and the total number of animals.

(7) Materials. Pseudorabies Eradication, State-Federal-Industry, Program Standards as specified in APHIS 91-55-071, November 1, 2003, are hereby incorporated by reference. Copies of the Program Standards may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 570.0705, 585.002(5), 585.08(1), 585.11, 585.145(1),(2), 585.23, 585.40, 585.17 FS. History—New 10-23-94, Amended 9-2-99, _____.

(Substantial rewording of Rule 5C-21.011 follows. See Florida Administrative Code for present text.)

5C-21.011 Vaccination, Approval and Procedures.

(1) Approval. No person shall produce, distribute, sell, or use any pseudorabies vaccine for the immunization of any swine in the state unless such vaccine is a USDA-licensed pseudorabies vaccine.

(2) Vaccination of swine for pseudorabies shall be authorized provided:

(a) Prior approval is given by the State Veterinarian based on the results of an epidemiological analysis herd risk assessment as provided in Epidemiological Analysis Herd Risk Assessment, DACS-09156 11/04, evidence of recurrent exposure or infection, and completion of a swine herd cleanup plan as provided in Herd Cleanup Plan – Swine, DACS-09209 11/04;

(b) Only an approved pseudorabies vaccine is used;

(c) Vaccination is performed by or under the direct supervision of an accredited veterinarian or a state or federally employed veterinarian;

(d) Vaccinated animals are permanently identified by an official individual identification; and

(e) Vaccine is used only in pseudorabies infected, exposed, or high-risk herds as determined and recommended by a pseudorabies epidemiologist.

(3) Forms. Epidemiological Analysis Herd Risk Assessment, DACS-09156 11/04 and Herd Cleanup Plan – Swine DACS-09209 11/04 are hereby incorporated by reference. Copies may be obtained from the Division of Animal Industry, 407 S. Calhoun St., Rm. 333, Tallahassee, FL 32399-0800, (850)410-0900.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.11(1),(2), 585.20, 585.21, 585.145 FS. History—New 10-23-94, Amended 9-2-99, _____.

(Substantial rewording of Rule 5C-21.012 follows. See Florida Administrative Code for present text.)

5C-21.012 Procedures for Control and Eradication of Pseudorabies.

(1) Pseudorabies Testing.

(a) Herd Testing.

1. All swine herds in the state are subject to test as required by the Division.

2. Subject to availability of funds, initial testing required for establishing a Commercial Production Swine Herd shall be conducted at state expense.

(b) Circle Testing. An official random-sample test, is required of all swine herds within a 2 mile radius of positive herds.

(c) Surveillance Testing. All sows and boars slaughtered at a recognized slaughtering establishment shall be tested for pseudorabies and shall be identified back to the person consigning the swine to the slaughtering establishment. Any herd to which pseudorabies positive swine are traced shall be placed under quarantine.

(2) Disposition of Swine.

(a) All positive animals must be isolated immediately.

(b) Subject to the availability of funds, the Division shall indemnify and reimburse the owner of pseudorabies positive swine, not to exceed the sum of \$35.00 per animal, if it is shown that:

1. The swine were positive to a pseudorabies test;

2. The swine were maintained in strict isolation from the date of the positive test until slaughtered;

3. The swine were slaughtered within 15 days of the date of the positive test;

4. The premises were cleaned and disinfected within 15 days of the date of the removal of all positive animals.

(c) All sows in infected breeding herds must be tested prior to or at farrowing and all positive sows removed from the herd for slaughter or isolation for slaughter within 15 days after

weaning. All boars must be tested quarterly and all positives removed from the herd for slaughter or isolation for slaughter within 15 days after test results are reported.

(3) Herd Cleanup Plan, mandatory.

(a) When pseudorabies has been discovered in a swine herd, the owner shall enter into a Herd Cleanup Plan as provided in Herd Cleanup Plan – Swine, DACS-09209 11/04, with the Department within 90 days of receiving Notice of Quarantine, DACS-09030 Rev. 08/04.

(b) The Department and the pseudorabies epidemiologist shall monitor the progress of the herd and coordinate testing and surveillance activities in the surrounding area as determined by epidemiological evidence to detect and prevent the spread of the disease.

(c) All sows in infected breeding herds must be tested prior to or at farrowing and all positive sows removed from the herd for slaughter or isolation for slaughter within 15 days after weaning. All boars must be tested quarterly and all positives removed from the herd for slaughter or isolation for slaughter within 15 days after test results are reported.

(d) Modifications to the original Herd Cleanup Plan are accepted with full agreement of the pseudorabies epidemiologist or his designee, the herd owner, and the owner's veterinary practitioner when requested by the owner and upon approval by the Division.

(e) If the herd owner fails or refuses to enter into an agreement to establish a Herd Cleanup Plan, the Department shall immediately initiate enforcement action against the owner as provided in § 585.007, F.S.

(4) Forms. Herd Cleanup Plan – Swine, DACS-09209 11/04 and Notice of Quarantine, DACS-09030 Rev. 08/04 are hereby incorporated by reference. Copies of the form may be obtained from the Division of Animal Industry, 407 S. Calhoun St., Rm. 333, Tallahassee, FL 32399-0800, (850)410-0900.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(3), 585.09, 585.145(1),(2), 585.11(1),(2), 585.20 FS. History–New 10-23-94, Amended 9-2-99, _____.

(Substantial rewording of Rule 5C-21.015 follows. See Florida Administrative Code for present text.)

5C-21.015 Swine Movement Requirements.

(1) Commercial Production Swine. Swine from Commercial Production Swine Herds may be moved without testing. Swine moved to a Commercial Production Swine Herd must be moved directly from another Commercial Production Swine Herd or must be segregated from all other swine and be tested negative for pseudorabies on two consecutive tests conducted at least 60 days apart.

(2) Transitional Swine. Transitional swine moved from Florida to another State for purposes other than immediate slaughter must be negative to a pseudorabies test conducted

within 30 days prior to movement and must be segregated from other swine between the time of testing and movement out of Florida.

(3) Feral Swine. Feral swine may be moved directly to a recognized slaughtering establishment, an Approved Game Reserve (Initial Approval and Inspection of an Approved Game Reserve for the Acceptance of Feral Swine, DACS-09197 11/04), or to an Approved Feral Swine Holding Facility (Application/Inspection for Approved Feral; Swine Holding Facility and/or Registration as a Feral Swine Dealer, DACS-09188 11/04) without testing. Feral swine moved to other locations must be segregated from all other swine and be tested negative for pseudorabies on two consecutive tests conducted at least 60 days apart.

(4) Forms. Initial Approval and Inspection of an Approved Game Reserve for the Acceptance of Feral Swine, DACS-09197 11/04 and Application/Inspection for Approved Feral; Swine Holding Facility and/or Registration as a Feral Swine Dealer, DACS-09188 11/04 are hereby incorporated by reference. Copies may be obtained from the Division of Animal Industry, 407 S. Calhoun St., Tallahassee, FL 32399-0800; (850)410-0900.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.11(1),(2), 585.145(1),(2), 585.16 FS. History–New 10-23-94, Amended 9-2-99, _____.

(Substantial rewording of Rule 5C-21.018 follows. See Florida Administrative Code for present text.)

5C-21.018 Commercial Production Swine Herd Requirements.

A swine herd may be approved and recognized as a Commercial Production Swine herd by fulfilling the following requirements:

(1) Submission of a written request by a swine herd owner to the Division for a herd to be considered for recognition as a Commercial Production Swine herd;

(2) Completion of an epidemiological analysis herd risk assessment that results in a determination of low risk as scored on Epidemiological Analysis Herd Risk Assessment, DACS-09188 11/04;

(3) Completion of negative herd test for pseudorabies and brucellosis, as specified in the Pseudorabies Eradication Program Standards, APHIS 91-55-071, November 1, 2003, and The Swine Brucellosis Control/Eradication, Uniform Methods & Rules, APHIS 91-55-042, April 1998, with subsequent annual negative herd tests (An owner may elect to substitute monthly or quarterly testing in lieu of annual testing to meet this requirement);

(4) Completion of a Commercial Production Swine Herd Management Plan; and

(5) Periodic inspections of swine, facilities, practices and records, as determined necessary by State or Federal representatives.

(6) Forms and Materials. Epidemiological Analysis Herd Risk Assessment, DACS-09188 11/04 is hereby incorporated by reference. Pseudorabies Eradication Program Standards, APHIS 91-55-071, November 1, 2003, and The Swine Brucellosis Control/Eradication, Uniform Methods & Rules, APHIS 91-55-042, April 1998, are hereby incorporated by reference. Copies of DACS-09188 may be obtained form the Division of Animal Industry 407 S. Calhoun St., Rm. 333, Tallahassee, FL 32399-0800, (850)410-0900. Copies of APHIS 91-55-071 and 91-55-042 may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002, 585.08 FS. Law Implemented 585.11, 585.145, 585.16 FS. History—New _____.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Wm. C. Jeter, Chief, Bureau of Animal Disease Control, Division of Animal Industry, Rm. 332, 407 S. Calhoun St. Tallahassee, FL 32399-0800, (850)410-0900, Fax (850)410-0957

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

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9B-72	Product Approval
RULE NOS.:	RULE TITLES:
9B-72.005	Scope
9B-72.010	Definitions
9B-72.030	Local Product Approval Generally
9B-72.040	Product Performance Evaluation and Quality Assurance for Local Approval
9B-72.045	Validation of Performance Evaluation for Local Approval
9B-72.050	Approval and Acceptance by Local Jurisdictions of Products with Performance Criteria and Products with Standard Specifications
9B-72.060	State Approval Generally
9B-72.070	Product Evaluation and Quality Assurance for State Approval
9B-72.080	Product Validation by Approved Validation Entity for State Approval
9B-72.090	Product Approval by Building Commission

9B-72.100	Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies
9B-72.110	Criteria for Certification of Independence
9B-72.120	List of Approved Product Evaluation Entities, Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies
9B-72.130	Forms
9B-72.135	Revisions to Submittals for Statewide Approval
9B-72.160	Revocation or Modification of Product Approvals and Entity Certifications
9B-72.170	Investigation
9B-72.180	Equivalence of Standards
9B-72.190	Reference Standards

NOTICE OF ADDITIONAL HEARING

The Florida Building Commission hereby gives notice that there will be an additional hearing on the proposed rules published in Vol. 30, No. 26, June 25, 2004 issue of the Florida Administrative Code.

TIME AND DATE: 2:30 p.m., January 25, 2005

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida 32819-8114

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the additional hearing is to take comments from the Product Approval Workgroup and the public.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ADDITIONAL HEARING IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-601.800 Close Management

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 39, (September 24, 2004), and Vol. 30, No. 44, (October 29, 2004) issue of the Florida Administrative Weekly:

33-601.800 Close Management.

- (1) No change.
- (2) Levels of Close Management.
 - (a) Close Management I (CMI).
 - 1. No change.

2. An inmate assigned to CMI will be ineligible for a work assignment. An inmate may be placed in CMI without having previously been in CMII or III. Any of the following factors constitutes a basis for placement of an inmate in CMI status:

a. through b. No change.

c. Any physical assault on staff shall result in a mandatory referral for review for placement in CMI status. If convicted of felony assault, the CM release provisions specified in paragraph (16)(g) shall be effective.

c. through m. renumbered d. through n. No change.

- (b) through (c) No change.
- (3) through (15) No change.
- (16) Review of Close Management.
 - (a) through (f) No change.

(g) Before an inmate who has been convicted of felony battery on a staff member is released from CM, written authorization must be obtained by the SCO from the Secretary, Deputy Secretary, or Assistant Secretary for Institutions.

(17) through (19) No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

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. 40, October 1, 2004, issue of the Florida Administrative Weekly. These

changes are in response to written comments received prior to the public hearing and at the public hearing held on October 25, 2004.

The following language was added to the end of paragraph (3) These forms are available by photocopying them from the Florida Medicaid Community Behavioral Health Coverage and Limitations Handbook. The handbook is available from the Medicaid fiscal agent.

The rule incorporates by reference the Florida Medicaid Community Behavioral Health Coverage and Limitations Handbook, October 2004. The following changes were made to the handbook:

Page 1-6, Staff Qualifications, Behavioral Health Technician, first bullet, was changed to read, "Has a high school diploma or equivalent and in-service training in the treatment of mental health disorders, abuse regulations, and confidentiality; or"

Page 2-1-2, Service Requirements, Recipient Clinical Record, sixth bullet, "licensed practitioner of the healing arts" was added to list of providers who conduct the interview and sign and date the written description.

Page 2-1-27, Behavioral Health Therapy Services, Reimbursement Limitations, the following paragraph was added, "Medicaid will not reimburse for behavioral health day services the same day as psychosocial rehabilitation services."

Page 2-1-31, Psychosocial Rehabilitation Services, Reimbursement Limitations, the following sentence was added, "Medicaid will not reimburse for psychosocial rehabilitation the same day as services behavioral health day services."

Page 2-1-32, Clubhouse Services, Who Must Provide, was changed to read, "Clubhouse services must be provided, at a minimum, by a bachelor's level practitioner under the supervision of a master's level practitioner."

Page 2-1-33, Clubhouse Services, Specific Documentation Requirements, 2. was changed to read, "A referral from a psychiatrist, psychiatric ARNP, certified addictions professional, or licensed practitioner of the healing arts;"

Page 2-6-2, Provider Requirements for Therapeutic Group Care Services, Provider Agency Eligibility Requirements, second bullet, we deleted the reference to 64C-13, F.A.C.

Page 2-6-4, Certification Criteria for Therapeutic Group Care Providers, Required Provider Capabilities of Therapeutic Group Care Services, in paragraph 6, the F.A.C. cite was corrected to read, "6A-15, F.A.C."

Page 2-6-17, Focus and Intensity of Service Requirement, Hospital and Crisis Stabilization Unit Placements, in paragraph 2, the F.A.C. cite was corrected to read, "65C-14, F.A.C."

Page 2-7-2, Provider Requirements for Behavioral Health Overlay Services – Child Welfare, Provider Agency Requirements, in paragraph 3, the F.A.C. cite was corrected to read, "65C-14, F.A.C."

Page 2-7-3, Provider Requirements for Behavioral Health Overlay Services – Child Welfare, Provider Agency Certification Process, the third paragraph was revised to read, “If the program is found to be non-compliant, the provider must complete a corrective action plan within 60 days. If a provider does not earn a score of 70 percent or above, the site will be re-reviewed. The provider’s certification will be withdrawn if a program continues to be non-compliant with the certification criteria.”

Page 3-2, Units of Service, second paragraph, second sentence was corrected to read, “If multiple units are provided on the same day, the actual time spent must be totaled. If the minutes total ends in a 7 or less, round down to the nearest 15-minute increment. If the minutes total ends in 8 or more, round up to the nearest 15-minute increment. For example, 37 minutes is billed as two units of service; 38 minutes is billed as three units of services.”

Page 3-2, Copayment, second paragraph, the last sentence, “Recipients under the age of 18 are exempt from the copayment”, was deleted. Recipients under the age of 21 are exempt from the copayment.

Appendix O, page O-1, second bullet, the F.A.C. cite was corrected to read, “65C-14, F.A.C.”

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.170
 RULE TITLE: Intermediate Care Facility for the Developmentally Disabled Services, ICF/DD

NOTICE OF CHANGE

Notice is hereby given that substantial changes have been made to the proposed Rule 59G-4.170, F.A.C. In accordance with subparagraph 120.54(3)(d)1., F.S., publication of this change in the proposed rule is requested for the next volume of the Florida Administrative Weekly.

These changes are pursuant to comments and recommendations presented at the public hearing held September 27, 2004.

Following is the summary of changes made:

Handbook, page 1-2: Introduction – References to the Department of Children and Families have been changed to the Agency for Persons with Disabilities.

Handbook, page 2-1: Introduction – References to the Department of Children and Families have been changed to the Agency for Persons with Disabilities.

Handbook, page 2-2: Retroactive Eligibility – The reference to the Department of Children and Families has been changed to the Agency for Persons with Disabilities.

Handbook, page 2-3: Developmental Services Criteria – Reference to the Department of Children and Families has been changed to the Agency for Persons with Disabilities. The reference to the Department-approved assessment has been changed to the Agency-approved assessment.

Handbook, page 2-17: Admission to an ICF/DD under a Moratorium on Admissions – Reference to the Department of Children and Families has been changed to the Agency for Persons with Disabilities.

Handbook, page 2-20: Reserving an ICF/DD Bed – Since infirmary beds and ICF/DD beds are the same, references to infirmary beds and infirmary stays are being removed from the handbook.

Handbook, page 2-21: Infirmary Stays – Since infirmary stays are the same as ICF/DD beds, this entire section is being removed from the handbook.

Handbook, page 2-21: Hospitalization After an Infirmary Stay – This section title is now “Hospitalization”. Since infirmary stays and ICF/DD beds are the same, references to infirmary beds and infirmary stays are being removed from the handbook.

Handbook, page 2-22: Paid Bed-Hold Reservation – The marks indicating new text, were incorrectly placed at the second paragraph of this section. The new text is the “note” information; Note: Please refer to Title 42, CFR, Part 483.12 and Section 400.0255, F.S., for valid reasons for discharge.

The Florida Status Tracking Survey (FSTS) is being placed in the handbook following the “Medicaid Services Nursing Facility/ICF-DD Contribution Notice” form.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-5.020
 RULE TITLE: Provider Requirements

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. 41, October 8, 2004, issue of the Florida Administrative Weekly. These changes are in response to written comments received prior to the public hearing.

Paragraph 2 of the rule text has been changed as follows: The form number for the State of Florida, Provider Inquiry Form, was corrected to read ISO5. The date of the Temporary Emergency Medicaid Card was corrected to read January 2004. The form number for the Notice and Proof of Presumptive Eligibility for Medicaid for Pregnant Women was corrected to read CF-ES 2681. We added the revision date of 03/2003 to the CTEC-07 in place of March 2003. We corrected the title of the ACS Florida Medicaid Claims Order Form.

The rule incorporates by reference the Florida Medicaid Provider General Handbook, January 2004. The following changes were made to the handbook:

Page 2-14, Multiple Categories of Service: The policy stated applies to a provider who has multiple provider types, not multiple categories of service. The policy was corrected to read, "Multiple Provider Types: Providers who have more than one provider type are assigned separate location codes for each different provider type. Providers must use the location code assigned to the provider type when billing for that provider type's services."

Page 2-16, Who Can Be in the Same Group: Early intervention professionals and paraprofessionals and therapists were removed from the list of provider types who may enroll together in the same group.

Page 2-18, Payment for Criminal History Check: The fee to be submitted with fingerprint cards was corrected to read, "\$47.00."

Page 2-47, Counterfeit-Proof Prescription Blanks, Requirements, first sentence: We corrected the cite to read, "409.912(39)(a)5, Florida Statutes."

Page 3-11, Illustration 3-4. Temporary Emergency Medicaid Identification Card: We inserted a copy of the revised Temporary Emergency Medicaid Identification Card.

Page 3-13, HMOs and Their Limitations, first paragraph: Temporary Emergency Medicaid Identification Cards do not provide information about Medicaid services the HMO covers, so we revised the first paragraph to read, "Managed care information is not provided on the Emergency Medicaid Identification Card. Providers must verify managed care enrollment through the Automated Voice Response system (800-925-1955) or a Medicaid Eligibility Verification System (MEVS) vendor. If the temporary card is not for a newborn and Medicaid coverage is not yet on the system, the recipient will not be enrolled in managed care. For information regarding newborns, please see Presumptively Eligible Newborns, Mother is in an HMO."

Page 3-18, Proof of Eligibility, Billing County, was corrected to read, "This county is the county in which the recipient currently resides, except when an institutionalized recipient lived in another county before going into the institution. For institutionalized recipients, the billing county is the county where the recipient resided in the community prior to entering the institution."

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-8.100
 RULE TITLE: Medicaid Contracts for Prepaid Health Plans

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 the Florida Administrative Weekly, Pages 3631 and 3632, Vol. 30, No. 36, on September 3, 2004. This change is made to address oral and written

comments submitted at the public hearing held on September 28, 2004. Rule 59G-8.100, F.A.C., incorporates by reference the Agency for Health Care Administration Payment Methodology for Participating Medicaid Managed Health Care Plans.

1. A. General Provisions

Addition of the phrase "of claims, eligibility and enrollment information" to the first sentence of the second paragraph.

2. B.6. Definitions

42 CFR 447.361 is stricken and 42 CFR 438.6 has been added. Language clarifying the use of this reference has also been added.

3. C. Payment Limit Calculation 1., CM

Addition to the definition of case months: CM – means the total number of months of eligibility for all HMO eligible Medicaid recipients in the fee-for-service system corresponding to the HMO covered services in the fee-for-service system during the applicable base years (SFY 1 + SFY 2).

4. C. 1., IF, Payment Limit Calculation

Addition of the word "or" after the words "which are not reasonable."

5. E. Capitation Payment Rate Calculation: Removal of 1% reduction to discount factors by service area and eligibility category. This change will leave the discount factors by area unchanged and is consistent with the existing rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Butler, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: 60A-1.011
 RULE TITLE: Identical Evaluations of Responses
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., originally published in Vol. 30, No. 37, September 10, 2004 issue of the Florida Administrative Weekly:

PROPOSED RULE 60A-1.011 IS CHANGED TO READ AS FOLLOWS:

60A-1.011 Identical Evaluations of Responses.

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

(a) through (d) No change.

(2) Section 287.057(12), F.S. states that "if two equal responses to a solicitation or a request for quote are received and one response is from a certified minority business enterprise, the agency shall enter into a contract with the certified minority business enterprise." ~~No Applicable Criteria. If none of the criteria in subsection (1) are applicable, the agency may determine the order of award by using the number of valid vendor complaints of file or by a means of random selection (e.g., a coin toss or drawing of numbers).~~

(3) If (1) and (2) fail to resolve the identical evaluations, the agency shall award the contract to the respondent whose response is deemed by the agency to be in the best interests of the State, considering factors such as prior performance on state contracts or other governmental contracts.

(4) In the event that the application of (1), (2), and (3) fails to resolve the identical evaluations, the agency shall determine the award by a means of random selection (e.g., a coin toss or drawing of numbers).

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, FL 32399, (850)488-3049, Fax (850)414-6122, e-mail: brownr2@dms.state.fl.us

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE CHAPTER NO.: 60L-39
RULE CHAPTER TITLE: Florida State Employees' Charitable Campaign

RULE NO.: 60L-39.005
RULE TITLE: Application Procedures

NOTICE OF CHANGE

Notice is hereby given that the following amendments have been made to the proposed rules in accordance in subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 39, of the September 24, 2004, issue of the Florida Administrative Weekly.

THE FULL TEXT OF THE PROPOSED RULE IS:

60L-39.005 Application Procedures.

(1) Annual applications for participation in the FSECC (Form DMS-ADM-100, Application for Participation in the Florida State Employees' Charitable Campaign, effective _____, and Form DMS-ADM-101, Renewing Organization Application for Participation in the Florida State Employees' Charitable Campaign, effective _____, which are hereby incorporated by reference) shall be submitted as set forth in rule subsection 60L-39.005(2), F.A.C., to the Steering Committee Chair at the following address:

Florida State Employees' Charitable Campaign
Department of Management Services
4050 Esplanade Way, Suite 280
Tallahassee, Florida 32399-0950

Applications must be postmarked by April 1 of each year for a charitable organization to be considered eligible for that year's Campaign. A federated fundraising organization, as defined in subsection 496.404(10), F.S., ~~federation~~ shall submit applications on behalf of its members ~~organizations~~. Form DMS-ADM-100 and Form DMS-ADM-101 can be obtained by writing to:

Florida State Employees' Charitable Campaign
Department of Management Services
4050 Esplanade Way, Suite 280
Tallahassee, Florida 32399-0950

(2) Applicants ~~Any organizations~~ that did not participate in the FSECC during the previous year shall submit a complete Form DMS-ADM-100, incorporated by reference at subsection 60L-39.005(1), F.A.C. All other applicants shall submit a complete Form DMS-ADM-101, incorporated by reference at subsection 60L-39.005(1), F.A.C.

(3) The Steering Committee shall request additional information from an applicant if necessary for purposes of clarifying eligibility. Requested information must be supplied within five working days of the receipt of the Committee's request.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History—New 1-1-02, Amended 3-5-04, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Kuczanski, Chairman, Florida State Employees' Charitable Campaign, Department of Management Services, 4050 Esplanade Way, Suite 280L, Tallahassee, Florida 32399-0950, (850)414-6736

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-2.027
RULE TITLE: Applications by Individuals

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. 35, August 27, 2004, issue of the Florida Administrative Weekly. The Board voted to revise subsection (3) at its duly noticed meeting held on October 19-20, 2004.

That subsection now reads:

(3) Each application shall be made on an application form approved by the Department and available from the Florida Real Estate Commission, 400 West Robinson Street, Suite N801, Orlando, Florida 32801 ~~accompanied by a completed FBI fingerprint card for processing,~~ and

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

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.:	RULE TITLES:
64B16-26.1001	Examination and Application Fees
64B16-26.1004	Inactive License Renewal Fees
64B16-26.1012	Approved Continuing Education Provider Renewal Fees
64B16-26.1021	Delinquent License Renewal Fees
64B16-26.1022	Permit Fees

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. 33, August 13, 2004, issue of the Florida Administrative Weekly.

The changes are being made in response to comments from the Joint Administrative Procedures Committee.

The changes are as follows:

1. The title of Rule 64B16-26.1001, F.A.C., shall read as follows: Examination and Application Fees.
2. Subsection 64B16-26.1001(1), F.A.C., shall read as follows: The non-refundable examination fee for licensure by examination shall be \$100, payable to the Board. Examination fees for the National Practice Examination and jurisprudence examination are payable to the examination vendor.
3. Subsection 64B16-26.1001(4), F.A.C., shall read as follows: The non-refundable application fee for a continuing education course approval shall be \$50 for each course submitted for approval, payable to the Board.
4. Subsection 64B16-26.1003(2), F.A.C., shall read as follows: The biennial license renewal fee for a consultant pharmacist active license shall be \$50 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.
5. Subsection 64B16-26.1003(3), F.A.C., shall read as follows: The biennial license renewal fee for a nuclear pharmacist active license shall be \$100 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.
6. The title of Rule 64B16-26.1004, F.A.C., shall read as follows: Inactive License Election; Renewal; Fees.
7. Paragraph 64B16-26.1004(1)(a), F.A.C., shall read as follows: At the time of license renewal to place the license on inactive status by submitting a written request with the board

for inactive status and submitting the inactive status renewal fee of \$245 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

8. Paragraph 64B16-1.004(1)(d), F.A.C., shall read as follows: At a time other than license renewal to change the inactive status license to active status, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on inactive status and submits the reactivation fee of \$70, a change of status fee of \$25 and the current renewal fee set forth in Rule 64B16-26.1003, F.A.C., or the difference between the inactive status renewal fee and the active status renew fee, if any exists.

9. Paragraph 64B16-26.1004(2)(a), F.A.C., shall read as follows: At the time of license renewal to place the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status renewal fee of \$50 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

10. Paragraph 64B16-1.004(2)(d), F.A.C., shall read as follows: At a time other than license renewal to change the inactive status license to active status, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on inactive status, and submits the reactivation fee of \$25, a change of status fee of \$25 and the active consultant pharmacist renewal fee set forth in Rule 64B16-26.1003, F.A.C.

11. Paragraph 64B16-26.1004(3)(a), F.A.C., shall read as follows: At the time of license renewal to place the nuclear pharmacist license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status renewal fee of \$100 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

12. Paragraph 64B16-26.1004(3)(c), F.A.C., shall read as follows: At the time of license renewal to change the inactive status license to active status, provided the nuclear pharmacist meets the continuing education requirements of Rule 64B16-28.904, F.A.C., for each biennium the license was on inactive status, and by submitting a reactivation fee of \$50, and the active nuclear pharmacist license renewal fee set forth in Rule 64B16-26.1003, F.A.C.

13. Paragraph 64B16-26.1004(3)(d), F.A.C., shall read as follows: At a time other than license renewal to change the inactive status license to active status, provided the nuclear pharmacist meets the continuing education requirements of Rule 64B16-28.904, F.A.C., for each biennium the license was on inactive status and by submitting a reactivation fee of \$50, a change of status fee of \$25 and the active nuclear pharmacist license renewal fee set forth in Rule 64B16-26.1003, F.A.C., or the difference between the inactive status renewal fee and the active status renew fee, if any exists.

14. The Title of Rule 64B16-26.1021, F.A.C., shall read as follows: Delinquent License Reversion; Reinstatement; Fees.

15. Subsection 64B16-26.1021(2), F.A.C., shall read as follows: A licensee may request that a delinquent license be reinstated to active or inactive status, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on inactive status, and by submitting a reactivation fee of \$50, and the active nuclear pharmacist license renewal fee set forth in Rule 64B16-26.1003, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.104
RULE TITLE: Exemptions for Members of the Armed Forces; Spouses

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. 34, August 20, 2004, issue of the Florida Administrative Weekly.

The changes are being made in response to comments from the Joint Administrative Procedures Committee.

The changes are as follows:

1. Subsection (1) shall read as follows: Any licensed pharmacist on active duty with the Armed Forces of the United States who at the time of becoming a member of the Armed Forces of the United States was in good standing with the Board and was entitled to practice the profession of pharmacy in Florida shall be exempt from all license renewal provisions so long as the licensee is on active duty with the Armed Forces and for a period of six months after discharge so long as the licensee is not engaged in the practice of pharmacy in the private sector for profit.

2. Subsection (2) shall read as follows: A licensee who is a spouse of a member of the Armed Forces of the United States and who was caused to be absent from the State of Florida because of the spouse's duties with the Armed Forces shall be exempt from all license renewal provisions.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.203
RULE TITLE: Manner of Application – Examination

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. 34, August 20, 2004, issue of the Florida Administrative Weekly.

The changes are being made in response to comments from the Joint Administrative Procedures Committee.

The changes are as follows:

1. Subsection (1) shall read as follows: All applications for licensure by examination must be made on board approved form DOH/MQA/PH101 (Rev 1/8/03), Application for Pharmacist Examination, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and must be accompanied with a non-refundable examination fee and an initial license fee set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

2. Subsection (3)(b) shall read as follows: For candidates applying prior to the effective date of this subsection, if all requirements for licensure are not met within one year after initial filing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.: 64B16-26.2031
64B16-26.204
RULE TITLES: Licensure by Examination; Foreign Pharmacy Graduates
Manner of Application – Endorsement

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. 34, August 20, 2004, issue of the Florida Administrative Weekly.

The changes are being made in response to comments from the Joint Administrative Procedures Committee.

The changes are as follows:

1. Proposed subsection 64B16-26.2031(1), F.A.C., shall read as follows: Be a graduate of a four year undergraduate pharmacy program at a school or college outside the United States and have completed an internship program approved by the board.

2. Proposed paragraphs 64B16-26.204(2)(a) and (b) subsections shall be deleted in their entirety.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.303
 RULE TITLE: Nuclear Pharmacist Licensure
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 34, August 20, 2004, issue of the Florida Administrative Weekly.

The changes are being made in response to comments from the Joint Administrative Procedures Committee.

The changes are as follows:

1. Subsection (5) shall be deleted in its entirety.
2. Subsection (6) shall be designated as subsection (5).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.400
 RULE TITLE: Pharmacy Interns; Registration; Employment
 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. 34, August 20, 2004, issue of the Florida Administrative Weekly.

The changes are being made in response to comments from the Joint Administrative Procedures Committee.

The changes are as follows:

1. Subsection (1) shall read as follows: A pharmacy intern is required to be registered with the Department of Health as an intern before being employed as an intern in a pharmacy in Florida.
2. Subsection (2) shall read as follows: An applicant for pharmacy intern registration must submit proof of:
3. Subsection (2)(a) shall read as follows: Enrollment in an intern program at an accredited college or school pharmacy or;
4. The first sentence of Subsection (2)(b) shall read as follows: Graduation from an accredited college or school of pharmacy and not yet licensed in the state.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE CHAPTER NO.: 69L-3
 RULE CHAPTER TITLE: Workers' Compensation Claims
 RULE NOS.: 69L-3.002
 RULE TITLES: Definitions

69L-3.003 Procedures for Filing Documents
 69L-3.0035 Injured Worker Informational Brochure

69L-3.0036 Employer Informational Brochure
 69L-3.004 First Report of Injury or Illness: Employer's Responsibility to Record And Report Accidents

69L-3.0045 First Report of Injury or Illness: Claims-Handling Entity's Responsibility to Record and Report Accidents

69L-3.0046 Wage Statement: Employer's and Claims-Handling Entity's Responsibility to Record and Report Wages

69L-3.0091 Notice of Action/Change
 69L-3.012 Notice of Denial
 69L-3.016 Claim Cost Report
 69L-3.018 Wage Loss Benefits Due to Permanent Impairment (Dates of Accident August 1, 1979 Through December 31, 1993)

69L-3.019 Wage Loss Benefits (Dates of Accident August 1, 1979 through December 31, 1993)

69L-3.0191 Temporary Disability Benefits (Dates of Accident January 1, 1994 through September 30, 2003)

69L-3.01915 Temporary Disability Benefits (Dates of Accident on or After October 1, 2003)

69L-3.0193 Supplemental Income Benefits (Dates of Accident January 1, 1994 through September 30, 2003)

69L-3.025 Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed Rules 69L-3.002, 69L-3.003, 69L-3.0035, 69L-3.0036, 69L-3.004, 69L-3.0045, 69L-3.0046, 69L-3.0091, 69L-3.012, 69L-3.016, 69L-3.018, 69L-3.019, 69L-3.0191, 69L-3.01915, 69L-3.0193, and 69L-3.025, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 37, on September 10, 2004, of the Florida

Administrative Weekly. These changes are being made to address concerns expressed at the public hearing and comments by the Joint Administrative Procedures Committee. The rule sections enumerated above are changed to read:

69L-3.002 Definitions.

When used in this chapter, the following terms have the following meanings:

(1) No change.

(2) "Biweekly work week" means two consecutive 7-day periods coinciding with the post injury employer's work week. For the purposes of calculating Temporary Partial Benefits pursuant to Section 440.15(4), F.S., the first biweekly work week includes the week the employee returned to work. ~~"Carrier" unless otherwise indicated, includes self-insured employers, group self-insured funds, local governmental workers' compensation insured pools, commercial self-insured funds and stock companies, and mutual companies, exchanges and associations authorized to provide workers' compensation coverage in this state. Carrier includes every individual, insurer, company, association, organization, society reciprocal insurer or interinsurance exchange, partnership, syndicate, business trust, corporation, agent, general agent, broker, solicitor, service representative, adjuster, and every legal entity which is engaged as indemnitor, surety, or contractor in the business of entering into contracts whereby one undertakes to indemnify another or pay or allows a specified amount or a determinable benefit upon determinable contingencies.~~

(3) "Claims-handling Entity" means any insurer, service company/third-party administrator (Service Co/TPA), self-serviced self-insured employer or fund, or managing general agent and includes all claims office locations that will be responsible for adjusting and submitting workers' compensation claims to the Division. "Carrier Code #" means the internal audit number which the Division assigns each individual insurance carrier, self-insured employer, or self-insured fund upon receipt of notification to write or administer workers' compensation insurance in Florida. The carrier must include the correct carrier code # on every claims form promulgated under this chapter. A service company, adjusting company, or third party administrator servicing a claim for a self-insured employer or self-insurance fund must include both the carrier code # and the Service Co/TPA Code # on any form promulgated under this chapter.

(4) No change.

(5)(6) "Compensation Rate" means 66 2/3% of the employee's average weekly wage pursuant to Section 440.14, F.S., as calculated by the claims-handling entity, carrier, as ordered by a Judge of Compensation Claims, or to which the parties have stipulated.

(6) "Date Payment Mailed" means the date payment of a benefit left the control of the claims-handling entity (or the claims-handling entity's legal representative if delivery is made by the legal representative) for delivery to the employee

or the employee's representative, whether by U.S. Postal Service or other delivery service, hand delivery, or deposit by electronic funds transfer.

(7) through (11) No change.

(12)(13) "Filing Period for Supplemental Income Benefits" means a period of 13 consecutive weeks (approximately 3 months) for which the employee reports any earnings and files a claim for supplemental income benefits. The filing period shall represent a "quarter" as set out in Section 440.15(3)(b)7., F.S. (1994), which is incorporated herein by reference, except for the second filing period, which may consist of less than 13 weeks if the first payment period was prorated. The "initial filing period" is the filing period, which occurs during the last 13 weeks of impairment income benefits.

(13) through (16) No change.

(17)(16) "Initial Payment of Supplemental Income Benefits" means payment of supplemental income benefits for the first whole or partial calendar month immediately following the expiration of the impairment income benefit period. The initial payment of supplemental income benefits shall cover the time beginning with the day after the expiration of impairment income benefits and ending with the last date in the initial calendar month pursuant to Section 440.15, F.S. (1994), which is incorporated herein by reference.

(18) No change.

(19)(17) "Lost Time Case" means a work-related injury or illness, which has caused the employee to be disabled out of work for more than 7 calendar seven days or for which indemnity benefits have been paid. Lost time cases shall also include compensable volunteer workers to whom no indemnity benefits will be paid, but who have been disabled for lost more than seven (7) calendar days from work; compensable death cases for which there are no known or confirmed dependents; and injuries which result in the disability loss of more than 7 calendar seven days for which the employer is continuing to pay full salary in lieu of compensation for any portion thereof. The 7 calendar days of disability do not have to be consecutive, but are cumulative and can occur over a period of time.

(20)(18) "Medical Only Case" means a work-related injury or illness, which requires medical treatment for which charges will be incurred, but which does not cause the employee to be disabled for miss more than 7 calendar seven days of work.

(21)(19) "Medical Only to Lost Time Case" means a work-related injury or illness, which initially did not result in disability cause a loss of more than 7 calendar seven days of work but later resulted in a disability loss of more than (7) calendar seven days of work. Medical only to lost time cases shall include previous medical only cases in which Impairment Income Benefits are paid based on obtaining Maximum

Medical Improvement with a Permanent Impairment Rating greater than zero (0) % and settlement only cases involving payment of indemnity benefits.

(22) "NAICS Code" means the code published in the North American Industry Classification System 2002 Edition, hereby incorporated by reference, that represents the nature of the employer's business. Classification information may be obtained by contacting the NAICS Association, 341 East James Circle, Sandy, Utah 84070, or visiting the website: www.naics.com.

(23) through (28) No change.

69L-3.003 Procedures for Filing Documents.

(1) Instructions on or pertaining to forms promulgated under this chapter, are also rules under this chapter and forms shall be completed in accordance with such instructions. When forms are reproduced, they shall be reproduced in their entirety, including instructions. The claims-handling entity carrier shall ensure that all parts of all documents filed with the Division pursuant to this chapter are complete and legible. These documents shall be filed with the Florida Department of Financial Services, Division of Workers' Compensation, 200 East Gaines Street, Tallahassee, Florida 32399-4226, except as otherwise indicated. The Division shall return to the claims-handling entity any document on which the appropriate information required in subsection (3) of this section and paragraph 69L-3.0045(1)(d), F.A.C., does not appear, and will notify the claims-handling entity of its error or omission. If a document is not complete and legible, the Division will return it to the claims-handling entity's carrier's address as provided on the form for correction or completion. The claims-handling entity shall make the correction, include a revised "Sent to Division Date" and resubmit the document to the Division. The document will be considered completed and in compliance with this section when the corrected document is resent and accepted by the Division.

(2) Claims-handling entities Carrier or employers shall respond to any written request for information by the Division no later than 14 days after receiving the request, except as otherwise provided in Rule Title 69L-3, F.A.C.

(3) Forms must be completed according to instructions. Entities completing forms must include the Division assigned Carrier or Service Co/TPA Code #, where required.

(3)(4) The claims-handling entity carrier, where required, shall include on every document it submits to the Division the following information:

(a) through (h) No change.

(4)(5) The insurer or the claims-handling entity An carrier shall provide a supply of Forms DFS-F2-DWC-1 and DFS-F2-DWC-1a, as adopted in Rule 69L-3.025, F.A.C., to the supply each employer to which it provides coverage a supply of Form DWC-1, First Report of Injury or Illness, unless an alternative electronic reporting arrangement with the claims-handling entity is in place and Form DWC-1a, Wage

Statement. The name of the insurer and the claims-handling entity's carrier's name, address, and telephone number shall must be preprinted or pre-stamped on each such form. As required by these rules, the carrier shall supply to employees Form DWC-40, Statement of Quarterly Earnings for Supplemental Income Benefits for dates of accident on or after 1/1/94, and Form DWC-3, Request for Wage Loss/Temporary Partial Benefits, for dates of accident prior to 1/1/94.

(5)(6) All submissions of Computer generated versions of any forms promulgated under this rule shall must appear in substantial conformity with the promulgated printed form in design, layout, field size, and content and shall contain all data elements required by the promulgated form. Computer generated forms must contain all data elements required by the form. If the Division finds that a the computer-generated form is not the same as sufficiently similar to the promulgated printed form, if it fails to contain all data elements, or if it is unclear or confusing, the Division will return the form and to the carrier and notify the carrier of the deficiency. The the claims-handling entity carrier shall make the correction, include a revised "Sent to Division Date" and resubmit a corrected form to the Division. The document will be considered completed and in compliance with this section when the corrected document is resent to the Division and is accepted. The filing date of the form is the date the Division receives the corrected form.

(7) A carrier wishing to use alternative electronic reporting methods, or to alter any existing approved alternative electronic reporting methods, must submit a written proposal to the Director of the Division of Workers' Compensation, who will review the proposal to ensure compliance with applicable statutes and rules, and compatibility with the Division's systems. The Director shall inform the carrier in writing of the Division's determination. After the carrier has received written approval of its proposal, it may send documents to the Division according to the method set out in its proposal.

(8) Only those documents required by this or previous editions of Title 69L-3, F.A.C., shall be maintained in the Division's files.

(6)(9) Any insurer or claims-handling entity person or entity failing to timely send documents promulgated under this chapter is subject to administrative fines civil penalties assessed by the Division according to the provisions of Rule Chapter 69L-24, F.A.C.

69L-3.0035 Injured Worker Informational Brochure.

In accordance with Section 440.185(4), F.S., the carrier or its claims-handling entity on behalf of the carrier shall mail to the injured worker an informational brochure, Form DFS-F2-DWC-60, "Important Workers' Compensation Information For Florida's Workers" or Form DFS-F2-DWC-61, "Informacion Importante De Seguro De Indemnizacion Por Accidentes De Trabajo Para Los

Trabajadores De La Florida”, as adopted in Rule 69L-3.025, F.A.C., as applicable within 3 business days after notification of the injury or illness.

69L-3.0036 Employer Informational Brochure.

In accordance with Section 440.185(4), F.S., the carrier or its claims-handling entity on behalf of the carrier shall annually mail to the employer an informational brochure, Form DFS-F2-DWC-65, “Important Workers’ Compensation Information For Florida’s Employers” or Form DFS-F2-DWC-66, “Informacion Importante Del Seguro De Indemnizacion Por Accidentes De Trabajo Para Los Empleadores De La Florida”, as adopted in Rule 69L-3.025, F.A.C., as applicable.

69L-3.004 First Report of Injury or Illness: Employer’s Responsibility to Record and Report Accidents.

(1) An employer shall record all industrial injuries and diseases as follows:

(a) For a first aid case that is not required to be reported to the claims-handling entity, the employer shall maintain a record of the following information regarding the injury or illness ~~complete either~~:

1. The employee’s name, Form DWC-1, First Report of Injury or Illness; or
2. Social security number or other identifying number pursuant to paragraph 69L-3.003(3)(b), F.A.C. A form which the Division has previously approved in writing.
3. Date and time of the accident or injury.
4. Occupation of the employee.
5. Who the injury was reported to and when.
6. Description of the accident or illness, including the cause of injury.
7. Injury or illness that occurred and affected body part.
8. ~~40.~~ Location address of the injury if different than the employer’s address.

(b) No change.

(1) No change.

(2) An employer shall report on Form DFS-F2-DWC-1, as adopted in Rule 69L-3.025, F.A.C., information concerning an industrial injury or disease to its claims-handling entity carrier as follows:

(a) ~~First Reports of Injury:~~

~~(a)1-~~ An employer shall report all cases, except first aid cases, to its claims-handling entity carrier within 7 seven days after the employer’s knowledge of an industrial injury or disease. ~~The employer may inform the carrier either by telephone, by electronic medium, or by completing and submitting Form DWC-1. The employer shall not delay reporting the injury or illness to the claims-handling entity submitting the Form DWC-1 because the employee’s signature is unavailable.~~

~~(b)2-~~ An employer is not required to report a first aid case to the carrier. If a first aid the case later becomes a medical only or lost time case, the employer shall report the injury or illness to inform the claims-handling entity carrier within 7 seven days after the employer’s knowledge of the change in status. ~~The employer may inform the carrier either by telephone, by electronic medium, or by submitting Form DWC-1. The employer shall complete the Employer section of Form DWC-1 and ensure that the Employee section is complete before submitting the form to the carrier.~~

~~(c)3-~~ When an employer submits to its claims-handling entity carrier Form DFS-F2-DWC-1, the employer ~~it~~ shall provide a copy of the form to the employee or the employee’s estate. If the information required by ~~in~~ Form DFS-F2-DWC-1, as adopted in Rule 69L-3.025, F.A.C., is reported to the claims-handling entity carrier by ~~other means telephone or electronic medium~~, the claims-handling entity carrier shall ~~provide mail~~ the employee and the employer a completed Form DFS-F2-DWC-1, paper version of an approved First Report of Injury or Illness, within three (3) business days of the claims-handling entity’s notification of the injury or illness. Form IA-1 may be sent to the employee and employer, if the claims-handling entity is electronically sending the first report of injury information required in Rule 69L-3.0045, F.A.C., to the Division. An approved First Report of Injury or Illness is an Form DWC-1, or an ACCORD 4 form, also known as Form IA-1, if the carrier is approved to electronically submit First Reports of Injury or Illness to the Division.

~~(d)4-~~ In addition to the reporting requirements pursuant to paragraph 69L-3.004(2)(a), F.A.C. ~~if~~ ~~H~~ an injury or illness results in the employee’s death, the employer shall give notice by telephone ~~or by other means facsimile or telegram~~ to the Division of Workers’ Compensation Safety within 24 hours of the employer’s knowledge of the death ~~and shall file Form DWC-1 with the carrier. The mailing address for reporting of death cases of the Division of Workers’ Compensation is: State of Florida, Department of Financial Services Insurance, Division of Workers’ Compensation, Occupational Safety and Health Unit, 200 East Gaines Street, Tallahassee, Florida 32399-4222, 4227; The the telephone number for purposes of reporting death cases is (800)219-8953, (850)413-1611 (850)922-8953 or by facsimile at (850)922-0024.~~

~~(b) Wage Statements: Within fourteen days after the employer has knowledge of a lost time case, it shall report wage information to the carrier on Form DWC-1A, Wage Statement. The employer shall provide a copy of the form, and any corrected form, to the employee or the employee’s estate.~~

(3) No change.

69L-3.0045 First Report of Injury or Illness: Claims-handling Entity's ~~Carrier's~~ Responsibility to Record and Report Accidents.

(1) A claims-handling entity shall record all industrial injuries and diseases as follows Recording:

(a) No change.

(b) If the employer notifies the claims-handling entity of the injury by telephone or electronic data interchange, the claims-handling entity shall produce and mail to the employee and employer a paper copy of Form DFS-F2-DWC-1, as adopted in Rule 69L-3.025, F.A.C., within 3 business days of the claims-handling entity's knowledge of the injury. However, if the claims-handling is electronically sending the first report of injury information required in Rule 69L-3.0045, F.A.C., Form IA-1 may be sent to the employee and employer. If the employer submits to the carrier the information required by Form DWC-1 by telephone or electronically, and the carrier is approved to send Form DWC-1 electronically to the Division, the carrier shall mail the employee and the employer a paper copy of Form DWC-1 or the approved alternative form ACORD 4 or Form IA-1 within three business days.

(c) The claims-handling entity shall make reasonable efforts to confirm that the following information on Form DFS-F2-DWC-1 is correct:

1. through 8. No change.

(d)~~(e)~~ The claims-handling entity carrier shall complete the "Claims-handling Entity Information" carrier information section of the Form DFS-F2-DWC-1 as follows:

1. through 4. No change.

5. Indicate the status of the case by marking the appropriate box: "Denied Case", "Indemnity Only Denied Case", "Medical Only Which Became Lost Time Case", or "Lost Time Case". In addition, the following information is required:

a. through b. No change.

c. "Medical Only Which Became Lost Time Case":

i. Delayed disability cases: The fields for "First Date of Disability", "Date First Payment Mailed", "AWW", "Comp Rate", "Employee's 8th Day of Disability", the "Entity's Knowledge of the 8th Day of Disability" and the type of initial benefit paid shall be provided, except as indicated in sub-subparagraph 69L-3.0045(1)(d)5.f., F.A.C.

ii. IB Only Cases: The "Date First Payment Mailed", "AWW", "Comp Rate", the type of initial benefit paid identified as "I.B.".

iii. No change.

e. No change.

f. Exceptions to sub-subparagraph 69L-3.0045(1)(d)5.c. and d., F.A.C. The following data fields are not required for the filing of Form DFS-F2-DWC-1:

i. No change.

ii. If a compensable volunteer has a lost time case, "Date First Payment Mailed", "AWW" and "Comp Rate" are not required unless the compensable volunteer meets statutory requirements to be paid for concurrent employment.

iii. No change.

(e) through (f) No change.

(2) The claims-handling entity shall Reporting. Carriers must report industrial injuries or illnesses to the Division as follows:

(a) When disability is immediate and continuous for 8 or more days, the claims-handling entity shall send a completed Form DFS-F2-DWC-1 within 14 days after the claims-handling entity's knowledge of the injury or illness for the following cases:

1. through 3. No change.

4. Lost time cases for a compensable volunteer.

(b) When disability is not immediate and continuous but resulted in 8 or more days of disability, the claims-handling entity shall send a completed Form DFS-F2-DWC-1 within 6 days after the claims-handling entity's knowledge of the eighth day of disability for the following cases:

1. through 3. No change.

4. Lost time cases for a compensable volunteer.

(c) through (h) No change.

69L-3.0046 Wage Statement: Employer's and Claims-handling Entity's Responsibility to Record and Report Wages.

(1) No change.

(2) Claims-handling entity's responsibility:

The claims-handling entity shall compare Forms DFS-F2-DWC-1 and DFS-F2-DWC-1a, as adopted in Rule 69L-3.025, F.A.C., to confirm that the employee name, social security number or other identifying information, and the date of injury on the two forms are consistent.

69L-3.0091 Notice of Action/Change.

The claims-handling entity shall send Form DFS-F2-DWC-4, as adopted in Rule 69L-3.025, F.A.C., to the Division as specified in this section for any industrial accident or injury filed for lost time cases as defined in subsection 69L-3.0045(2), F.A.C., within 14 days of the claims-handling entity's knowledge of the action or change which it is reporting. The claims-handling entity shall complete the applicable fields for each required Form DFS-F2-DWC-4; the "Remarks" section may only be used to supplement the information reported. The claims-handling entity shall send to the employee and the employer copies of Form DFS-F2-DWC-4, for each action or change required by this section within 14 days of the claims-handling entity's knowledge of the action or change which it is reporting to the Division.

(1) The claims-handling entity shall use the following codes to identify the “Disability Type” or the “Disability Type Adjusted” on Form DFS-F2-DWC-4. The carrier shall send to the Division, with copies to the employer, employee, legal counsel if represented, and dependents of the deceased employee and their legal counsel, Form DWC 4, within 14 days of the action or change which it is reporting.

“Disability Types”:

(a) No change.

(b) No change.

(c) “TTE” means temporary total compensation paid during training and education.

(d) through (e) No change.

(f) “IB” means impairment income benefits paid pursuant to Section 440.15(3), F.S., for dates of accident on or after January 1, 1994.

(g) through (j) No change.

~~(2)(5) The carrier shall send Form DWC-4 when the carrier suspends payment of all indemnity benefits and does not intend to continue the benefits under another disability type. If the claims-handling entity carrier suspends benefits for any of the reasons stated in paragraphs (a)-(h) below, the claims-handling entity carrier shall send the Division Form DFS-F2-DWC-4, and not Form DFS-F2-DWC-12, as adopted in Rule 69L-3.025, F.A.C. The claims-handling entity carrier shall must state the “Effective Date” effective date of the suspension and the applicable suspension “Reason Code” in the applicable fields reason code. The “Effective Date” of the suspension shall be the last date through which benefits were paid. The following “Suspension Reason Codes” codes shall be used to identify the reason for which all indemnity benefits have been suspended:~~

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

~~(c) “S3” means administrative noncompliance. The employee has failed to comply with one or more of the following statutory sections and any applicable rules:~~

~~1. Section s. 440.15(1)(e)3., F.S. (1994), which is incorporated herein by reference – employee in PT status failed to attend vocational evaluation or testing.~~

~~2. Section s. 440.15(1)(f)2.b., F.S. (1994), which is incorporated herein by reference – employee in PT status failed to report or apply for social security benefits.~~

~~3. Section s. 440.15(2)(d), F.S. (1994), which is incorporated herein by reference – employee in TT status failed or refused to complete and return the Form DFS-F2-DWC-19.~~

~~4. Section 440.15(7), F.S. (1994), which is incorporated herein by reference – employee in TP status failed or refused to complete and return the Form DFS-F2-DWC-19.~~

~~5.4. Section s. 440.15(6), (7), F.S. (2003 1994), which is incorporated herein by reference – employee refused suitable employment.~~

~~5. s. 440.15 (8), F.S. (1994).~~

~~6. Section s. 440.15 (9)(10), F.S. (2003 1994), which is incorporated herein by reference – employee failed or refused to sign and return the release for social security benefits earnings on Form DFS-F2-DWC-14, or unemployment compensation earnings on Form DFS-F2-DWC-30, as adopted in Rule 69L-3.025, F.A.C.~~

~~7. Section 440.491(6)(b), F.S. (2003), which is incorporated herein by reference – employee failed or refused to accept vocational training or education.~~

~~8. Section 440.15(4)(d), F.S. (2003), which is incorporated herein by reference – employee in TP status failed to notify the claims-handling entity of the establishment of earnings capacity within 5 business days of returning to work.~~

~~9. Section 440.15(4)(e), F.S. (1994), which is incorporated herein by reference – employee in TP status terminated from post-injury employment due to the employee’s misconduct.~~

~~10. Section 440.105(7), F.S., (2003), which is incorporated herein by reference – employee refused to sign and return the fraud statement.~~

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

~~(3) No change.~~

~~(4)(7) The claims-handling entity carrier shall send Form DFS-F2-DWC-4 when the employee has resumed work, or has been medically released to return to work, or to report the assignment of physical restrictions or the removal of all physical restrictions. The date the employee resumed work is the employee’s actual return to work date and is to be reported in the “Actual Return To Work Date” field. The date the employee’s medical release states that the employee may resume work is the employee’s released to return to work date and is to be reported in the “Released To Return To Work Date” field. The claims-handling entity carrier must indicate whether the employee was given any physical restrictions in the “Restrictions?” fields identified as either “Yes” or “No”.~~

~~(5)(8) The claims-handling entity shall send Form DFS-F2-DWC-4 reporting the date payment mailed resulting from a final order for indemnity benefits pursuant to Section 440.20(11), F.S. This date is to be placed in the “Date Final Settlement Mailed” field and shall not be reported as earlier than the date the settlement was actually approved. The carrier shall send Form DWC-4 when a final indemnity settlement has been approved signed pursuant to Section 440.20(11), F.S. It must state the date the final indemnity settlement was paid. The date the settlement was paid shall not be reported as earlier than the date the settlement was actually approved.~~

~~(6) through (7) No change.~~

~~(8)(12) The claims-handling entity carrier shall send Form DFS-F2-DWC-4 when it begins payment of impairment income benefits for dates of injury on and after January 1, 1994 1/1/94. It shall must state the date the impairment income benefits were started in the “Start Date” field, the initial weekly rate at which the benefits will be paid in the “Weekly Rate”~~

field, and the total number of weeks the employee is entitled to the benefits in the “Total Number Of Weeks Of Entitlement” field.

(9) No change.

(10)(a)(14) The claims-handling entity carrier shall send Form DFS-F2-DWC-4 if ~~when~~ the employee is ~~accepted or adjudicated as~~ permanently and totally disabled. The following information, when applicable, shall be provided:

1. No change.

2. The claims-handling entity shall report any changes to the weekly rate at which the permanent total supplemental benefits will be paid, corresponding to the rate change in PT Supplemental Benefits, including the annual rate increases in the “Weekly PT Supplemental Rate” field. The effective date of the permanent total supplemental payment rate, as well as to report annual changes in this rate.

3. No change.

(b) If the employee’s permanent total supplemental benefits are suspended because the employee has reached age 62 and is eligible for Social Security benefits, then the claims-handling entity carrier will report \$0 as the permanent total supplemental rate in the “Weekly PT Supplemental Rate” field. The effective date is the date on which permanent total supplemental benefits will no longer be paid and is to be reported in the “PT Supp Effective Date” field.

(11)(15) The claims-handling entity carrier shall send Form DFS-F2-DWC-4 when it adjusts or offsets the employee’s weekly compensation rate. It shall include the Benefit Adjustment Type Code in the “Benefit Adjustment Code” section, the “Disability Type” in the “Disability Type Adjusted” field, the weekly amount by which the employee’s payment is being reduced in the “Weekly Adj Amount” field, and the date the offset or adjustment is effective in the “Effective Date” field. If the offset or adjustment is temporary, the claims-handling entity carrier shall send Form DFS-F2-DWC-4 when it resumes payment at the former rate to report the date the adjustment ends in the “Adjustment End Date” field.

(a) through (b) No change.

(12)(16) The claims-handling entity carrier shall send Form DFS-F2-DWC-4, ~~or the electronic equivalent,~~ to report a correction in the employee’s social security number in the “Social Security Number/Correct #” field, date of accident in the “Date of Accident/Correct Date” field, employee’s name in the “Employee’s Name/Correct Name” field, or the claims-handling entity carrier or servicing company handling the case in the “Claims-handling Entity” field. When reporting corrections to the employee’s name, social security number, or date of accident, the claims-handling entity carrier shall include the original (incorrect) information at the top of the form, and the corrected (new) information in the applicable field in the “Corrections Of” ~~corrections of~~ section. ~~When reporting a change in the employer liable for compensation, the~~

~~carrier of the employer which has become liable for compensation shall send this form, and additionally state the name and address of the employer now liable for compensation in the “remarks” section. The claims-handling entity shall report these changes only for lost time cases as defined in subsections 69L-3.002(19), F.A.C.~~

(13) No change.

69L-3.012 Notice of Denial.

(1) No change.

(2) If the claims-handling entity carrier initially denies the compensability of or coverage for a ~~lost time~~ case, it shall send Form DFS-F2-DWC-12 to the Division within 14 days after the claims-handling entity receives notification carrier receives notice of the injury, illness or death. The claims-handling entity carrier shall also mark the “Denied Case” box “~~Box 1~~” on Form DFS-F2-DWC-1 and send it with Form DWC-12, pursuant to sub-subparagraph Rule 69L-3.0045(1)(d)5.a.(e)1, F.A.C.

(3) through (8) No change.

Specific Authority 440.591, 440.20(3), 440.185(5) FS. Law Implemented 440.12(2), 440.14, 440.20(2),(4), 440.192(8), 440.20(9), 440.20(15)(f), 440.207(2) FS. History—New 10-30-79, Amended 11-5-81, 5-30-82, 6-12-84, Formerly 38F-3.12, Amended 4-11-90, 1-30-91, 11-8-94, Formerly 38F-3.012, 4L-3.012, Amended _____.

69L-3.016 Claim Cost Report.

(1) The claims-handling entity carrier shall send Form DFS-F2-DWC-13, as adopted in Rule 69L-3.025, F.A.C., to the Division ~~for only~~ in the following cases:

(a) Lost time cases as defined in subsection 69L-3.002(19), F.A.C., which include lost time cases in which no indemnity benefits have been paid for compensable volunteers pursuant to Section 440.02(15), F.S., and compensable death cases with no dependents. Cases in which the carrier has paid indemnity benefits, including benefits pursuant to a lump sum settlement,

(b) through (c) No change.

(d) Denied cases in which indemnity benefits were paid.

(2) The claims-handling entity carrier shall send Form DFS-F2-DWC-13, to the Division at the following times:

(a) No change.

(b) Annual Claim Cost Report: The Form DFS-F2-DWC-13 shall reflect all cumulative claim costs paid on the case since the date of accident. The Form DFS-F2-DWC-13 shall be sent to the Division within Within 30 days after each annual anniversary of the date of accident for all open cases which the carrier considers to be open. The claims-handling entity carrier shall indicate the type of report, as that this is an “Annual Rreport Oopen Oopen Cease”. The annual DFS-F2-DWC-13 filing shall not occur prior to the anniversary date of the date of accident unless the case is closed.

(c) Final Claim Cost Report: Within 30 days after the anniversary of the date of accident, for all cases in which no payments which must be reported on Form DWC-13 have been

made in the previous year, or if the carrier considers a case to be closed with respect to medical and indemnity benefits. The carrier shall indicate that this is a "Final Report Case Closed." After having sent a final report, the carrier is not required to send a subsequent Form DWC-13 unless a payment for any category of benefits reported on Form DWC-13 is made subsequent to sending a "Final Report Case Closed." The carrier shall report those payments by sending a Form DWC-13 within 30 days after the anniversary of the

1. No change.

2. After filing a Final Claim Cost Report, if the claims-handling entity makes a subsequent payment for any category of benefits required to be reported on Form DFS-F2-DWC-13, the claims-handling entity shall send another Final Form DFS-F2-DWC-13 in accordance with subparagraph 69L-3.016(2)(c)1., F.A.C.

(3) The claims-handling entity carrier shall complete Form DFS-F2-DWC-13 for all lost time cases dates of accident, and shall include the following information, where applicable:

(a) No change.

(b) The exact "Average Weekly Wage" average weekly wage and "Compensation Rate" compensation rate as of the date the report is sent, in dollars and cents.

(c) through (f) No change.

(g) The amount of money for indemnity and medical benefits settled and paid in a lump sum, or the amount of money paid to an employee as a lump sum settlement for medical benefits only, and the date payment mailed is to be reported in the "Date Payment Mailed Paid" field for either settlement type as applicable. This latter settlement amount shall must be reported only for lost time cases on Form DFS-F2-DWC-13 as "Medical Settlement Amt." For multiple settlements, the cumulative amount of the settlements and the latest date payment mailed shall be reported. Medical benefits may be the subject of a lump sum settlement regardless of the employee's date of injury.

(h) No change.

69L-3.018 Wage Loss Benefits Due to Permanent Impairment (Dates of Accident August 1, 1979 through December 31, 1993).

(1) through (3) No change.

Specific Authority 440.591, 440.15(3)(b), 440.185(4),(10), 440.41 FS. (1993), Law Implemented 440.15(3), 440.185(4),(10) FS. (1993). History--New 10-30-79, Amended 11-5-81, 5-30-82, 6-12-84, Formerly 38F-3.18, Amended 4-11-90, 1-30-91, 11-8-94, 11-11-96, Formerly 38F-3.018, 4L-3.018, Amended _____.

69L-3.019 Wage Loss Benefits for Temporary Partial Disability (Dates of Accident August 1, 1979 through December 31, 1993).

(1) through (3) No change.

Specific Authority 440.591, 440.15(4)(e),(a), 440.185(4),(10), 440.41 FS. (1993), Law Implemented 440.15(4)(b), 440.185(4), 440.185(10), 440.20 FS. (1993); History--New 10-30-79, Amended 11-5-81, Formerly 38F-3.19, Amended 4-11-90, 1-30-91, 11-8-94, 11-11-96, Formerly 38F-3.019, 4L-3.019, Amended _____.

69L-3.0191 Temporary Disability Benefits (Dates of Accident on or After January 1, 1994 through September 30, 2003).

(1) through (3) No change.

(4) Calculations and payment of temporary partial disability benefits:

Temporary partial disability benefits shall be calculated pursuant to Section 440.15(4)(a), F.S., even when the employee's earnings are \$0. Temporary partial benefits calculated for any given week are subject to the maximum weekly compensation rate as defined by Section 440.12, F.S. The claims-handling entity shall investigate an employee's post-injury earnings, to determine the amount of temporary partial disability benefits for which the employee is entitled, and to ensure the timely payment of those benefits. The carrier shall continue to investigate an employee's status so as to determine the amount of temporary partial disability benefits for which an employee is eligible, and to ensure the timely payment of those benefits.

(a) No change.

(b) Post-injury earnings –

1. If re-employed and the employee or employer has notified the claims-handling entity within 5 business days after returning to work, the first installment is due within 7 days after the last date of the post-injury employer's first biweekly work week as defined in subsection 69L-3.002(2), F.A.C. Subsequent payments of temporary partial disability benefits for any biweekly period are due no later than 7 days after the end of the last date of that biweekly period as long as the employee continues to be employed and eligible.

2. No change.

(c) No change.

69L-3.01915 Temporary Partial Disability Benefits (Dates of Accident on or After October 1, 2003).

(1) No change.

(2) Calculations and payment of temporary partial disability benefits:

Temporary partial disability benefits shall be calculated pursuant to Section 440.15(4)(a), F.S., even when the employee's earnings are \$0. Temporary partial benefits calculated for any given week are subject to the maximum weekly compensation rate as defined by Section 440.12, F.S. The claims-handling entity shall investigate an employee's

post-injury earnings, to determine the amount of temporary partial disability benefits for which the employee is entitled, and to ensure the timely payment of those benefits.

- (a) No change.
- (b) Post-injury earnings –

1. If re-employed and the employee or employer has notified the claims-handling entity within 5 business days after returning to work, the first installment is due within 7 days after the last date of the post-injury employer’s first biweekly work week, as defined in subsection 69L-3.002(2), F.A.C. Subsequent payments of temporary partial disability benefits for any biweekly period are due no later than 7 days after the end of the last date of that biweekly period as long as the employee continues to be employed and eligible.

- (c) No change.
- 2. No change.

69L-3.0193 Supplemental Income Benefits (Dates of Accident ~~on or After~~ January 1, 1994 through September 30, 2003).

An employee may be eligible to receive Supplemental Income Benefits if an impairment rating of 20% ~~percent~~ or more has been assigned in accordance with Section s. 440.15(3)(b), F.S. (1994).

- (1) No change.
- (2)(a) No later than 15 weeks before the expiration of the impairment income benefit period, the claims-handling entity carrier shall send by certified mail to each employee eligible for supplemental income benefits an informational letter substantially in conformance with subsection paragraph (7) of this rule section and two copies of Form DFS-F2-DWC-40, as adopted in Rule 69L-3.025, F.A.C., Statement of Quarterly Earnings for Supplemental Benefits. The claims-handling entity carrier shall fill out the first two lines on one of the Forms DFS-F2-DWC-40 before sending it to the employee and indicate the beginning and ending dates of the initial filing period. The second Form DFS-F2-DWC-40 should be left blank.

- (b) through (c) No change.
- (3) through (7) No change.

69L-3.025 Forms.

The fraud statement that appears on the following forms amended in Rule 69L-3.025, F.A.C., will include the following amendment:

Any person who, knowingly and with intent to injure, defraud or deceive any employer or employee, insurance company or self-insured program, files a statement of claim containing any false or misleading information commits insurance fraud punishable in Section 817.234 a felony of the third degree. Section 440.105(7) ~~440.185(4)~~, F.S.

(a) Form <u>DFS-F2-DWC-1</u>	<u>08/2004</u> <u>11-8-94</u>	First Report of Injury or Illness
(b) No change		
(c) Form <u>DFS-F2-DWC-1a</u>	<u>08/2004</u> <u>11-8-94</u>	Wage Statement
(d) Form <u>DFS-F2-DWC-3</u>	<u>08/2004</u> <u>1-30-91</u>	Request for Wage Loss/Temporary Partial Benefits
(e) Form <u>DFS-F2-DWC-4</u>	<u>08/2004</u> <u>11-8-94</u>	Notice of Action/Change
(f) Form <u>DFS-F2-DWC-12</u>	<u>08/2004</u> <u>11-8-94</u>	Notice of Denial
(g) Form <u>DFS-F2-DWC-13</u>	<u>08/2004</u> <u>11-8-94</u>	Claim Cost Report
(h) Form <u>DFS-F2-DWC-14</u>	<u>08/2004</u> <u>11-8-94</u>	Request for Social Security Disability Benefit Information
(i) Form <u>DFS-F2-DWC-19</u>	<u>08/2004</u> <u>11-8-94</u>	Employee Earnings Report
(j) Form <u>DFS-F2-DWC-30</u>	<u>08/2004</u> <u>11-8-94</u>	Authorization and Request for Unemployment Compensation Information
(k) Form <u>DFS-F2-DWC-33</u>	<u>08/2004</u> <u>10-2-94</u>	Permanent Total Offset Worksheet
(l) Form <u>DFS-F2-DWC-35</u>	<u>08/2004</u> <u>10-2-94</u>	Permanent Total Supplemental Worksheet
(m) Form <u>DFS-F2-DWC-40</u>	<u>08/2004</u> <u>11-8-94</u>	Statement of Quarterly Earnings for Supplemental Income Benefits
(n) Form <u>DFS-F2-DWC-49</u>	<u>08/2004</u> <u>11-8-94</u>	Aggregate Claims Administration Change Report
(o) through (r)		No change.

The remainder of the rule reads as previously published.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 570, COOL CASH

RULE NO.: 53ER04-70

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 570, “COOL 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:

53ER04-70 Instant Game Number 570, COOL CASH.

(1) Name of Game. Instant Game Number 570, "COOL CASH".

(2) Price. COOL CASH lottery tickets sell for \$2.00 per ticket.

(3) COOL 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 COOL 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), F.A.C. In the event a dispute arises as to the validity of any COOL 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 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVEN	12 TWELVE
13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN
19 NINETEEN	20 TWENTY				



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

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVEN	12 TWELVE
13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN
19 NINETEEN	20 TWENTY				

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

TICKET	\$1.00	\$2.00	\$5.00	\$10.00	\$20.00
TICKET	ONE	TWO	FIVE	TEN	TWENTY
\$25.00	\$50.00	\$100	\$1,000	\$5,000	\$15,000
THY FIVE	FIFTY	ONE HUN	ONE THO	FIVE THO	FTN THO

(7) The legends are as follows:

YOUR NUMBERS WINNING NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any of the numbers in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to ten sets of matching numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$1,000, \$5,000 and \$15,000. 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 COOL 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" 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 570 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF
TICKET	\$2 TICKET	1 IN	WINNERS IN
		PER POOL	57 POOLS OF
		180,000 TICKETS	PER POOL
\$2	\$2	10.00	1,026,000
\$2 x 2	\$4	37.50	273,600
\$1 + (\$2 x 2)	\$5	21.43	478,800
\$5	\$5	37.50	273,600
\$1 + (\$2 x 2) + \$5	\$10	37.50	273,600
(\$1 x 8) + \$2	\$10	75.00	136,800
\$10	\$10	150.00	68,400
\$25	\$25	150.00	68,400
(\$5 x 2) + (\$10 x 4)	\$50	150.00	68,400
\$10 x 5	\$50	1,800.00	5,700
\$50 (MONEYBAG)	\$50	1,800.00	5,700
\$10 x 10	\$100	450.00	22,800
\$20 x 5	\$100	4,500.00	2,280
\$100	\$100	7,500.00	1,368
\$20 x 10	\$200	7,500.00	1,368
\$100 x 10	\$1,000	36,642.86	280
\$1,000	\$1,000	513,000.00	20
\$5,000 x 3	\$15,000	513,000.00	20
\$15,000	\$15,000	5,130,000.00	2
		5,130,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 570 are 1 in 3.79. 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 570, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a COOL 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 COOL 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 11-12-04.

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

EFFECTIVE DATE: November 12, 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.: 69BER04-22
 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: The 2004 hurricane season has been particularly destructive for Florida. On August 12, 2004 Tropical Storm Bonnie made land fall in the Florida panhandle. Shortly after Tropical Storm Bonnie, substantial damage in southwest and central Florida was caused 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. Hurricane Charley crossed northeast through the center of the state exiting near Daytona Beach. In a 10-mile wide swath

extending from the southwest coast there was widespread major damage to homes, loss of personal belongings and corresponding temporary loss of employment.

Additional damage was caused by Hurricane Frances, which hit the east coast of Florida on September 4, 2004, as a category 2 hurricane, and slowly crossed the peninsula. Hurricane Frances, though less intense than Charley, caused damage over a much wider area of the state.

On September 16, 2004, category 4 Hurricane Ivan caused massive damage in the Florida Panhandle. Hurricane Ivan impacted the Gulf Coast as a category 4 hurricane with sustained winds up to 130 miles per hour. The eye made land fall just west of the western Florida line, bringing hurricane force winds to much of the Florida Panhandle. The hurricane also produced tornados that destroyed and damaged structures in the Florida Panhandle. There was extensive damage in the Pensacola area, which was hit by the strong northeast quadrant of the storm as it made landfall.

More damage resulted in Florida from Hurricane Jeanne, which made landfall near Stuart, Florida the night of September 25, 2004, as a category 3 hurricane with sustained winds up to 120 miles per hour. On September 26, the storm moved northwest across the state.

The Governor of Florida declared states of emergency as a result of each of the hurricanes, and much of Florida was declared a federal disaster area.

Cumulative insured losses have been estimated at \$20.4 billion for Hurricanes Charley, Frances, Ivan and Jeanne. Most of those losses are in Florida. Insurers have reported in excess of 1.3 million property insurance claims in Florida, thousands of which have yet to be adjusted.

Claimants who have not yet been compensated for their losses may be motivated by their frustration, to seek the services of public adjusters who will represent them for a percentage of their insurance claim proceeds. In the absence of the prohibitions provided by this emergency rule, some public adjusters would likely exploit frustrated storm victims with high fees and other unethical practices. The Department has received telephone inquires from public adjusters asking when they will be able to charge fees in excess of 10% of a claim settlement.

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, it is necessary that insurance proceeds not 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 percent 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..." The storms of the 2004 hurricane season have 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. The lengthening duration of time that some storm victims have been waiting to get their claims adjusted has increased their frustration and therefore their vulnerability.

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 adopting an emergency rule is the fairest method to protect the public because the nature of the destruction caused by the storms, including disruption of communication and transportation, requires an immediate response. The conditions resulting from the storms 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.

Emergency Rules 69BER04-4, 69BER04-13, 69BER04-14, 69BER04-15, and 69BER04-17, addressed this situation as to specific storms, but the first of those rules, 69BER04-4, will expire on November 15, 2004. As of the date this rule was filed, thousands of property insurance claims resulting from the storms have not been paid, and thousands of windstorm damaged residences and businesses have not been repaired. The cumulative effect of the multiple storms has created a continuing emergency situation.

An amendment to permanent Rule Chapter 69B-220, F.A.C., which addresses some of the issues in the emergency rule is in the promulgation process, but based on the timeframes established in the Administrative Procedures Act, Chapter 120, Florida Statutes, it cannot become effective until mid-December.

SUMMARY OF THE RULE: This emergency rule adopts emergency ethical standards to be applied to claims resulting from Hurricanes Charley, Frances, Ivan, and Jeanne, 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, and deceptive practices. 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, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-5601

THE FULL TEXT OF THE EMERGENCY RULE IS:

69BER04-22 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 Hurricanes Charley, Frances, Ivan, and Jeanne, and Tropical Storm Bonnie.

(c) This rule applies only to losses occurring as a result of Hurricanes Charley, Frances, Ivan, and Jeanne, 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 impose 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.

4. Compensation provisions in a public adjusting contract shall not be redacted in any copy of the contract provided to an insurer. Such a redaction shall constitute an omission of material fact in violation of Section 626.9541(1)(e)2., Florida Statutes.

(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), 624.307, 626.611, 626.621, 626.865(2), 626.8698, 626.878, 626.9541(1)(e),(i) FS. History—New 11-16-04.

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: November 16, 2004

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF EDUCATION

The Commission for Independent Education hereby gives notice that it has received a petition, filed on November 15, 2004, from Florida Academy of Pet Grooming, seeking a waiver or variance of subparagraph 6E-2.004(6)(a)2., F.A.C., with respect to the Commission’s requirement that a financial review prepared by an independent CPA in accordance with GAAP requirements be submitted as a condition for approval and allow the school to submit a financial compilation due to the financial burden of meeting the requirement.

Comments on this petition should be filed with the Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301, within 14 days of publication of this notice.

For a copy of the petition, contact: Samuel L. Ferguson, Executive Director, at above address or telephone (850)245-3200.

The Commission for Independent Education hereby gives notice that it has received a petition, filed on November 15, 2004, from Noel Academic for Health Career, License #2662 seeking a waiver or variance of subsection 6E-2.004(6), F.A.C., with respect to the Commission’s requirement that a financial review prepared by an independent CPA in accordance with GAAP requirements be submitted as a condition for approval because the expense of meeting this requirement creates a substantial hardship.

Comments on this petition should be filed with the Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301, within 14 days of publication of this notice.

For a copy of the petition, contact: Samuel L. Ferguson, Executive Director, at above address or telephone (850)245-3200.

The Commission for Independent Education hereby gives notice that it has received a petition for variance, filed on November 15, 2004, from the American Bartending School #549, seeking a waiver or variance of Rule 6E-2.004, F.A.C., with respect to the requirement that the financial statement of the parent corporation be reviewed or audited by an independent certified public accountant.

Comments on this petition should be filed with Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301, within 14 days of publication of this notice.

For a copy of the petition, contact: Samuel Ferguson, Executive Director, at the above address or telephone (850)245-3200.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Coastal Blue Development, LLC’s, petition for waiver of paragraph 25-6.049(5)(a), Florida Administrative Code, filed on July 19, 2004, in Docket No. 040762-EU was approved by the Commission at its October 5, 2004, Agenda Conference. Order No. PSC-04-0984-PAA-EU, issued October 11, 2004, memorialized the decision. The rule provides that individual electric metering by the utility company shall be required for each separate occupancy unit of new condominiums for which construction commenced after January 1, 1981. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on August 6, 2004.

A copy of the Order can be obtained from: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770, Commission’s Homepage: <http://www.floirdapsc.com>.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on November 15, 2004, South Florida Water Management District (District) received a petition for waiver from Health Management Associates, Inc., Application No. 04-0115-2, for utilization of Works or Lands of the District known as the CR-951 Canal in Collier County, for the proposed construction of two turn lanes within the District right-of-way in order to access the proposed hospital site, Section 23, Township 50S, Range 26E. The petition seeks relief from subsections 40E-6.011(4) and (6) Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above ground structures within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320, e-mail: kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

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 2004-196 DAO-ROW), on November 10, 2004, to Roderic and Ninon Rynerson. The petition for waiver was received by the SFWMD on September 15, 2004. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 30, No. 41, on October 8, 2004. No public comment was received. This Order provides a waiver for the proposed construction of a boat dock within the north right of way of the Golden Gate Main Canal at the rear of 5436 32nd Avenue Southwest, S28/T49S/R26E, Collier County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, 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), Fla. Admin. Code, which governs the minimum low member elevation of pile-supported docking facilities 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 Roderic and Ninon Rynerson from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, e-mail: kruff@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on October 29, 2004 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.0161(1)(c), F.A.C., from Sun Cruz Casino Mobile Kitchen Trailer located in Caper Canaveral. The above referenced F.A.C., addresses potable water supply and adequate facilities for the disposal of liquid and solid waste. They are requesting a temporary variance, seven months, to operate a mobile unit with pump-out service for the sewage until the permanent structure is repaired from the hurricane damage.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN that on November 3, 2004; the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), F.A.C., from Outsiders Grill in Zellwood. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use central bathrooms instead of adding bathroom facilities to the proposed establishment.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN that on October 29, 2004, the Division of Hotels and Restaurants received a Petition for Routine Variance for paragraph 61C-1.004(1)(d), F.A.C., from McDot's located in Orange Park. The above referenced F.A.C. states that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C. Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN that on November 15, 2004 the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-4.0161(2)(a), F.A.C., from Alicia's Catering located in Fort Myers. The above referenced F.A.C. states serving openings shall not be larger than necessary for the particular operation conducted and shall be kept closed at all times except when food is actually being served. They are requesting to do open air cooking and serving on Mobile Food Dispensing Vehicles.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN that on November 16, 2004, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), F.A.C., from Truffles and Treasures located in Bradenton. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to have a seating capacity of 42 with only one accessible bathroom facility accessible to customers and guests.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Acupuncture hereby gives notice that it has issued an Order on a Petition for Waiver filed by Arthur Teubner, seeking a waiver of subsections 64B1-4.0011(1) and 64B1-3.010(4), F.A.C., concerning transcript documentation of two years of acupuncture education. The Board considered the petition at its meeting held on October 8, 2004. The Board's Order, filed on November 11, 2004, granted the petition for waiver finding that the Petitioner has demonstrated he has achieved two years of acupuncture education and that he was enrolled in an authorize course of study prior to August 1, 1997.

A copy of the Board's Order may be obtained by contacting: Board of Acupuncture, 4052 Bald Cypress Way Bin #C06, Tallahassee, Florida 32399-3256.

For a copy of the petition, contact Pamela King, Executive Director, Board of Acupuncture, at the above address.

The Board of Acupuncture hereby gives notice that it has issued an Order on the Petition for Waiver filed by Ki Ho Kim seeking a waiver of subsections 64B1-4.001(1), 64B1-4.0011(11) and Rule 64B1-4.0015, F.A.C., concerning transcript documentation of completion of two years of Acupuncture education. The Board considered the Petition at its meeting held on October 8, 2004. The Board's Order, filed on October 29, 2004 held that the applicant meets the requirements of Section 120.542(2), Florida Statutes, in that he has demonstrated he has achieved the purpose of the underlying statute by other means and that application of the rules cited below applied to his circumstances will impose a substantial hardship on the applicant. The Petition for Waiver of subsections 64B1-4.001(1), 64B1-4.0011(11) and Rule 64B1-4.0015, F.A.C., was granted.

A copy of the Board's Order may be obtained by contacting: Board of Acupuncture, 4052 Bald Cypress Way Bin #C06, Tallahassee, Florida 32399-3256.

For a copy of the petition, contact Pamela King, Executive Director, Board of Acupuncture, at the above address.

The Board of Medicine hereby gives notice that it has received a petition filed on November 9, 2004, by Syed Ali, M.D., seeking a waiver or variance from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

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

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

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on November 12, 2004, Florida Housing Finance Corporation received a Petition for Waiver of paragraph 67-21.008(1)(g), F.A.C., from The Palms at Vero Beach Limited ("Petition"). The Petition is seeking a variance from the rule which provides that annual audited financial statement for the development be submitted.

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** announces grant writing workshops for arts and cultural organizations, to which all persons are invited. These meetings are subject to cancellation, please call to confirm the meeting date and time.

Ft. Lauderdale

DATE AND TIME: December 10, 2004, 1:00 p.m. – 3:00 p.m.

PLACE: Artserve, Inc., 1350 East Sunrise Blvd., Ft. Lauderdale, FL, (954)357-7457

Gainesville

DATE AND TIME: December 13, 2004, 5:30 p.m. – 7:00 p.m.

PLACE: The Thomas Center, 302 Northeast 6th Avenue, Gainesville, FL, (352)334-5064

Tallahassee

DATE AND TIME: December 14, 2004, 12:30 p.m. – 2:00 p.m.

PLACE: Parks and Recreation Offices, Community Room, 912 Myers Park Drive, Tallahassee, FL, (850)224-2500

For more information regarding the grant writing workshops, contact: Morgan Barr, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301 or (850)245-6356.

To request special aids or services contact the Division staff 72 hours prior to the above stated schedule, (850)245-6470 or TT (850)488-5779.

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** announces telephone conference calls to which all interested persons are invited to participate.

Annual Report Committee

DATE AND TIME: December 8, 2004, 10:00 a.m.

Finance and Budget Committee

DATE AND TIME: December 9, 2004, 10:00 a.m.

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 5 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.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **State Fair Authority** announces a meeting of the Board.

DATE AND TIME: Monday, December 13, 2004, 1:00 p.m.

PLACE: Ag Hall of Fame/Agriculture Showcase Building, Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610*

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Reports; Old and New Business.

A copy of the agenda may be obtained by contacting: Ms. Frances Ayala, Florida State Fairgrounds, P. O. Box 11766, Tampa, FL 33680.

*Please note the change in meeting location.

If special accommodations, due to a disability, need to be arranged for attendance to this meeting, please contact Ms. Frances Ayala, (813)627-4221, as soon as possible or at the address above.

The Florida **State Fair Authority** announces a meeting of the Agricultural Committee.

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

PLACE: Ag Hall of Fame/Agriculture Showcase Building, Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610*

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agricultural plans for the year.

*Please note the change in meeting location.

If special accommodations, due to a disability, need to be arranged for attendance to this meeting, please contact Ms. Frances Ayala, (813)627-4221, as soon as possible or at the address above.

The Florida **State Fair Authority** announces a meeting of the Finance Committee.

DATE AND TIME: Monday, December 13, 2004, 11:00 a.m.

PLACE: Ag Hall of Fame/Agriculture Showcase Building, Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610*

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business of the Finance Committee.

*Please note the change in meeting location.

If special accommodations, due to a disability, need to be arranged for attendance to this meeting, please contact Ms. Frances Ayala, (813)627-4221, as soon as possible or at the address above.

The Florida **State Fair Authority** announces a meeting of the Marketing Committee.

DATE AND TIME: Monday, December 13, 2004, 11:00 a.m.

PLACE: Ag Hall of Fame/Agriculture Showcase Building, Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610*

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old & New Business of the Marketing Committee.

*Please note the change in meeting location.

If special accommodations, due to a disability, need to be arranged for attendance to this meeting, please contact Ms. Frances Ayala, (813)627-4221, as soon as possible or at the address above.

The **Department of Agriculture and Consumer Services** announces a meeting of the Pest Control Enforcement Advisory Council.

DATE AND TIMES: January 18, 2005, 9:00 a.m.

PLACE: Conner Building Training Room, 3125 Conner Blvd., Tallahassee, Florida 32399, (850)488-7447

GENERAL SUBJECT MATTER TO BE DISCUSSED: To discuss the business of the Council.

A copy of the agenda may be obtained by calling: Steven Dwinell, Florida Department of Agriculture and Consumer Services, (850)488-7447.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Friends of Florida State Forests, Inc., which is open to all interested persons.

DATE AND TIME: Friday, January 5, 2005, 9:00 a.m. – 2:00 p.m. (EST)

PLACE: Florida Division of Forestry, 3125 Conner Blvd., Tallahassee, FL 32399-1650, (850)414-0869

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Friends of Florida State Forests, Inc.

A copy of the agenda may be obtained by contacting: Deborah Parker, 3125 Conner Blvd., C-25, Tallahassee, FL 32399-1650, (850)414-0869.

DEPARTMENT OF EDUCATION

The **Florida Center for Advising and Academic Support** (FCAAS) announces a public meeting to which all persons are invited.

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

PLACE: Room 1414, Turlington Building, 325 W. Gaines Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: FCAAS Executive Committee will meet to discuss the agenda for the upcoming FCAAS Board meeting.

A copy of the agenda may be obtained by writing: FCAAS, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Any persons requiring special accommodations to attend this meeting because of a disability or physical impairment may contact: Mary-Beth Goetzke, FCAAS, (850)245-0518.

The Board of Trustees, Endowment Investment Committee of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 10, 2004, 3:00 p.m.

PLACE: Board Room in Walker Hall, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2200.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based. Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

The Board of Trustees, **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind, including a Rule Development workshop on Rule 6D-7.006, F.A.C., Pupil Progression Plan and Requirements for Graduation, and a Public Hearing on Rule 6D-12.002, F.A.C., Campus Security/Police Department, and Rule 6D-16.002, F.A.C., Human Resources Management and Development.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

The Probable Cause Panel of the **Commission for Independent Education** announces a meeting.

DATE AND TIME: December 14, 2004, 9:00 a.m.

PLACE: By teleconference at the "meet me" number, (850)487-8540, Suncom 277-8540

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the investigative reports and complaints in which the Probable Cause Panel has to make a determination as to whether there is the existence of probable cause pursuant to Chapter 1005, Florida Statutes.

A copy of the PUBLIC portion of the agenda may be obtained by writing: Margaret O'Sullivan Parker, Deputy General Counsel, Florida Department of Education, 1244 Turlington Building, Tallahassee, Florida 32399-0400, (850)245-0442.

NOTE: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)448-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-9770 (Voice) and 1(800)955-8771 (TDD).

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows:

DATE AND TIME: December 9, 2004, 10:00 a.m. (CDT)

PLACE: Third Floor Seminar Room, Student Union West, Panama City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

Contact person for the meeting is Dr. Robert L. McSpadden, President.

READVERTISEMENT – The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Florida Rehabilitation Council Meeting(s):

Planning Committee

DATE AND TIME: December 6, 2004, 10:00 a.m. – 5:00 p.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862, Local (850)413-9245, Toll free 1(877)651-3473

Evaluation Committee

DATE AND TIME: December 8, 2004, 12:00 Noon – 5:00 p.m.

PLACE: Community Room 6, 912 Myers Park Drive, Tallahassee, Florida, Local (850)921-5230, Toll free 1(888)816-1123

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Coordination Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation 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 meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise 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 includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

READVERTISEMENT – The **Florida Rehabilitation Council** announces the following conference calls/meetings:

MEETING: Florida Rehabilitation Council Conference Call(s):

Quality Assurance

DATE AND TIME: December 8, 2004, 10:00 a.m. – 11:00 a.m.

Planning Committee

DATE AND TIME: December 15, 2004, 9:00 a.m. – 10:00 a.m.

Coord. Committee

DATE AND TIME: December 16, 2004, 10:00 a.m. – 11:00 a.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862, Local (850)922-2903, Toll free 1(800)416-4254

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Coordination Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation 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 meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise 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 includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** hereby gives notice of two meetings of the Florida Keys Hurricane Evacuation Working Group.

DATES AND TIME: December 17, 2004; January 28, 2005, 8:30 a.m.

PLACE: Monroe County Emergency Operations Center, 2798 Overseas Highway, Marathon, Florida 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues, considerations and make recommendations related to land use planning and hurricane evacuation in the Florida Keys.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Jim Quinn, State Planning Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1774, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THIS MEETING IS: Jim Quinn, State Planning Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1774

The **Florida Building Commission** announces the following meetings to which all persons are invited.

DATE AND TIMES: December 5, 2004

1:00 p.m. – Product Approval/Prototype Buildings/Manufactured Buildings POC.

DATE AND TIME: December 6, 2004

Meeting of the Researcher's Workshop on Hurricanes Charley, Frances, Ivan and Jeanne

8:00 a.m. – Hurricanes Wind Investigations

1:00 p.m. – Building systems Damage Investigations

DATE AND TIME: December 6, 2004, 9:00 a.m.

Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: Stock Exchange Restaurant, 125 Basin Street, Daytona Beach; Green Iguana, 8790 Bay Pines Boulevard, St. Petersburg; Target Store T-688, 2380 International Speedway Boulevard, Daytona Beach; Daytona International Speedway, Victory Lane Club Rooftop Seating, Daytona Beach; Daytona International Speedway, Victory Circle Bleacher Seating, Daytona Beach; Hialeah Branch Courthouse, 11 East 6th Street, Hialeah; Lakeland Starnet Theatre, 3606 US Highway 98 North, Lakeland; Casa Marina Hotel and Restaurant, 691 First Street, Jacksonville Beach; Christine E. Lynn College of Nursing, Florida Atlantic University, Boca Raton; Muvico Coconut Point 20, Tamiami Trail, Bonita Springs; and Adams Street Station, 1728 Adams Street East, Jacksonville.

DATE AND TIME: December 6, 2004

10:00 a.m. – Meeting of the Electrical Technical Advisory Committee.

2:00 p.m. – Meeting of the Accessibility Technical Advisory Committee.

DATE AND TIME: December 7, 2004

8:00 a.m. – Product Approval/Prototype Buildings/Manufactured Buildings POC

10:00 a.m. – Meeting of the Structural Technical Advisory Committee

10:00 a.m. – Meeting of the ICC Participation Work Group

10:00 a.m. – Meeting of the Fire Technical Advisory Committee

DATE AND TIME: December 7, 2004

2:00 p.m. – Meeting of the Plenary Session of the Florida Building Commission

Consideration of requests for waiver from accessibility code requirements: Stock Exchange Restaurant, 125 Basin Street, Daytona Beach; Green Iguana, 8790 Bay Pines Boulevard, St. Petersburg; Target Store T-688, 2380 International Speedway Boulevard, Daytona Beach; Daytona International Speedway, Victory Lane Club Rooftop Seating, Daytona Beach; Daytona International Speedway, Victory Circle Bleacher Seating, Daytona Beach; Hialeah Branch Courthouse, 11 East 6th Street, Hialeah; Lakeland Starnet Theatre, 3606 US Highway 98 North, Lakeland; Casa Marina Hotel and Restaurant, 691

First Street, Jacksonville Beach; Christine E. Lynn College of Nursing, Florida Atlantic University, Boca Raton; Muvico Coconut Point 20, Tamiami Trail, Bonita Springs; and Adams Street Station, 1728 Adams Street East, Jacksonville, FL.

Legal Reports and consideration of Petitions for Declaratory Statement:

Second Hearing:

DCA04-DEC-123 by Stephen P. Maslan, PE

DCA04-DEC-161 by Robert G. Boyer of Palm Beach County

DCA04-DEC-162 by Robert G. Boyer of Palm Beach County

DCA04-DEC-163 by C. W. Macomber of Palm Beach County

DCA04-DEC-188 by C. W. Macomber of Palm Beach County

First Hearing:

DCA04-DEC-165 by Ricardo Lizarazu of Suncoast Post-Tension

DCA04-DEC-171 by Jo McCann of Coral Springs

DCA04-DEC-192 by Bart Walden of CBS

DCA04-DEC-195 by Roger Joyce of Bilco

DCA04-DEC-196 by Robert Powell of Lake Square Aluminum Inc.

DCA04-DEC-218 by Patrick L. McDonald

DCA04-DEC-219 by W. Vincent of Construction Specialties Inc.

DCA04-DEC-221 by Edward Lewis of Edward Lewis Architects Inc.

DCA04-DEC-222 by Ed Riley of Collier County

DCA04-DEC-225 by Bemmie Eustace of Interplan LLC.

DCA04-DEC-230 by Patricia Weeks of Blair Home Construction

DCA04-DEC-231 by Carl Driver of NuAir Manufacturing

DCA04-DEC-232 by C. W. Macomber of Palm Beach County.

DCA04-DEC-233 by Seann M. Frazier of Greenberg Traurig PA

Consideration of Applications for Product and Entity Approval Rule Adoption Hearing on Notice of Change to Rule 9B-3.047, F.A.C., 2004 Florida Building Code

IF REQUESTED.

DATE AND TIME: December 8, 2004

9:00 a.m. – Meeting of the Plenary Session of the Florida Building Commission continued.

Review and approval of August 31, 2004 and October 19, 2004 Meeting Minutes, Chair's Discussion Issues and Recommendations; review and update Commission Workplan.

Synopsis of Hurricane Researchers Workshop

Product Approval Work Group Progress Report

Progress Report of the ICC Participation Work Group

Review of the Draft Report to the Governor and 2005 Florida Legislature

Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Electrical TAC Report; Fire TAC Report, Structural TAC Report; and Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee Report.

Receive public comment.

Commission Member Comments and Issues.

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida, 1(888)782-9722

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436, website: www.floridabuilding.org.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they 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.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant at the Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend.

DATE AND TIME: December 7, 2004, 1:00 p.m. – Open

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

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, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Professional Compliance Section, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8648.

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.

The Florida **Department of Law Enforcement**, announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 9, 2004, 10:00 a.m.

PLACE: The Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Criminal and Juvenile Justice Information Systems Council will conduct its regular meeting to discuss state and national issues in areas of criminal and juvenile justice information and information systems.

Individuals with a disability as defined by the Americans with Disabilities Act (ADA) may call Wayne Quinsey or Christopher Ferris, Government Analyst, (850)410-7126, about accommodations that would enable attendance.

A copy of the agenda may be obtained by writing: Wayne Quinsey or Christopher Ferris, Government Analysts, Florida Department of Law Enforcement, Division of Criminal Justice Information Systems, Strategic Planning and Systems Integrity, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-7126, Suncom 210-7126.

DEPARTMENT OF TRANSPORTATION

The Florida **High Speed Rail Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 9, 2004, 9:00 a.m. – Conclusion

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Florida High Speed Rail Authority business.

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Authority at least 48 hours before the meetings by contacting: Betty Sizemore, (850)414-5244.

The Florida **Department of Transportation** announces a public meeting to which all persons are invited:

DATE AND TIME: December 7, 2004, 10:00 a.m. – 4:00 p.m.

PLACE: Hyatt Regency Orlando Airport, 9300 Airport Boulevard, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Statewide Intermodal Transportation Advisory Council (SITAC) Meeting.

A copy of the agenda may be accessed through the web site at www.dot.state.fl.us/planning/sitac/ or be obtained by writing: Florida Department of Transportation, 605 Suwannee Street, MS 28, Tallahassee, Florida 32399-0450, Vicki Matsumura, (850)414-4800.

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 72 hours before the meeting by contacting: Vicki Matsumura, (850)414-4800.

The Florida **Department of Transportation**, District 2 announces a public hearing to which all persons are invited.

DATE AND TIME: December 16, 2004, 7:00 p.m.

PLACE: Oceanway Senior Center, 12215-3 Sago Avenue, West, Jacksonville (Duval County), Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID Number 213323-1, otherwise known as Interstate 95/Interstate 295 North Interchange in Jacksonville, Duval County, Florida. A Project Development and Environmental Study is underway evaluating the need to upgrade the existing facility to a safer and more efficient design that would meet future travel demands. The proposed improvements include a multi-level system interchange at I-95/I-295, adding one lane in each direction on SR-9A within the project limits and improving the ramp configuration of the SR-9A/US-17 interchange. Additional right of way will be required for the proposed improvements. This project is being developed in compliance with Titles VI and VIII of the Civil Rights Act.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call telephone number (386)758-3700 or 1(800)749-2967. Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Aage Schroder, District Secretary, Florida Department of Transportation, District 2, 1109 S. Marion Avenue, Lake City, Florida 32025.

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 **State Board of Administration** (SBA) announces a public meeting of the Investment Advisory Council (IAC) to which all persons are invited.

DATE AND TIME: Friday, December 10, 2004, 10:00 a.m.

PLACE: The Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Investment Advisory Council. The IAC is a six-member advisory council, which reviews the investments made by the staff of the State Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under s. 215.444 of the Florida Statutes.

In compliance with the Americans with Disabilities Act, anyone needing special accommodations to attend the meeting is requested to call James Linn, (850)413-1166, five days prior to the meeting so that appropriate arrangements can be made.

If you would like to have a copy of the agenda, please contact: Diane Bruce, State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308, (850)413-1253.

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: Thursday, December 9, 2004, 9:30 a.m. or soon thereafter

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

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: Thursday, December 9, 2004, 11:00 a.m. or soon thereafter

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

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 meeting of the Fresh Orange and Specialty Advisory Council to which all persons are invited.

DATE AND TIME: December 7, 2004, 10:00 a.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, FL 33801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss the revised council budget (post-crop estimate), Fresh squeezed program, Hurricane Relief program, Weekly Reader tangerine school program and to discuss any other business which may appropriately come before the council.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Bill Jones at the above address or by telephone, (863)499-2500.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 040353-TP – Petition to review and cancel, or in the alternative immediately suspend or postpone, BellSouth Telecommunications, Inc.'s PreferredPack Plan tariffs, by Supra Telecommunications and Information Systems, Inc.

DATE AND TIME: December 17, 2004, 9:30 a.m.

PLACE: Commission Hearing Room 152, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, Grants Committee is pleased to announce a conference call to which all persons are invited.

DATES AND TIMES: Monday, November 29, 2004, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and approval of the Operation Step Up proposals.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

The **Governor's Haiti Advisory Group** announces the following meetings to which all interested parties are invited to attend.

DATES AND TIME: Monday, December 6, 2004; Friday, December 10, 2004, 12:00 Noon – 5:00 p.m.

PLACE: The Biltmore Hotel, Coral Gables, Florida

NOTE: These meetings will take place on an as needed basis. Please call (850)487-2568 for more information.

GENERAL SUBJECT MATTER TO BE DISCUSSED: The Governor's Haiti Advisory Group will discuss its recommendations on critical needs for the reconstruction of Haiti. For additional information, please contact: Michael Pilver, Executive Office of the Governor, (850)487-2568.

Any person requiring special accommodations due to a disability or physical impairment should contact the Governor's Office at least five days prior to the meeting in order to request any special assistance by calling (850)487-2568.

The **Florida Sports Foundation** announces its quarterly Grant Committee meeting to which all persons are invited.

DATE AND TIME: Monday, November 29, 2004, 10:00 a.m. – 11:45 a.m.

PLACE: 2930 Kerry Forest Parkway, Suite 101, Tallahassee, Florida 32309, Call In Numbers 1(877)651-3473 (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.

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida is pleased to announce a meeting to which all persons are invited.

DATE AND TIME: Thursday, December 2, 2004, 6:00 p.m.

PLACE: Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Volunteer Florida CEO and Miami Commissioners discussion of Commissioner roles and responsibilities.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda and exact location.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

The **Florida Sports Foundation** announces its quarterly Board of Directors meeting to which all persons are invited.

DATE AND TIME: Friday, December 10, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: Miami Airport Marriott, 1201 N. W. LeJeune Road, Miami, Florida 33126

Please make 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.

REGIONAL PLANNING COUNCILS

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 10, 2004, 10:00 a.m.

PLACE: Osceola County Emergency Management Office, 320 N. Beaumont Ave., Kissimmee, Florida 34741 (Please call (407)623-1075, Ext. 335, to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting of the Local Emergency Planning Committee, District VI, and Awards Celebration of the Season.

A copy of the agenda may be obtained by writing: Ms. Teri Hunalp, LEPC Coordinator, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751.

The **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, December 8, 2004, 10:00 a.m.

PLACE: Bartow Public Library, 2150 S. Broadway Avenue, Bartow, 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 **Treasure Coast Regional Planning Council** announces a meeting of its Budget Personnel Committee.

DATE AND TIME: December 6, 2004, 9:00 a.m.

PLACE: Treasure Coast Regional Planning Council, 301 East Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss the Annual Review of Council's Executive Director.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces 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.

Projects and Land Committee Business Meeting

DATE AND TIME: Thursday, December 2, 2004, 4:00 p.m.

Projects and Land Committee Public Meeting

DATE AND TIME: Thursday, December 2, 2004, 6:00 p.m.

PLACE: Environmental Learning Center, 255 Live Oak Drive (Wabasso Causeway)

Tour – Upper St. Johns River Basin

DATE AND TIME: Friday, December 3, 2004, leaving at 7:30 a.m.

PLACE: Tour leaving (Friday) from the Blue Cypress Boat Ramp at SR512, South of Fellsmere (weather permitting)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting forum for presentation of Indian River Lagoon Projects; Business meeting to consider Projects and Land Committee agenda items; Tour of project related areas.

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, December 7, 2004, 8:30 a.m., St. Johns River Water Management District Office, 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.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Sonia Blake, Water Resources Department, (386)312-2330.

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, December 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, December 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 and Administration agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, December 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.

GOVERNING BOARD/REGULATORY AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, December 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 and consideration of District business including regulatory and non-regulatory matters.

NOTE: A copy of the agenda may be obtained at the SJRWMD website (www.sjrwmd.com) or by calling (386)329-4500. One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing, (386)329-4500.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District (SWFWMD)** announces the following meeting(s) to which all interested parties are invited to attend:

PINELLAS-ANCLOTE RIVER BASIN BOARD MEETING

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

PLACE: Pinellas County Courthouse, 315 Court Street, Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

ALAFIA RIVER BASIN BOARD MEETING

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

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

NORTHWEST HILLSBOROUGH BASIN BOARD MEETING

DATE AND TIME: Thursday, December 2, 2004, 1:30 p.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

PEACE RIVER BASIN BOARD MEETING (This meeting, originally scheduled for Friday, December 3, 2004, has been rescheduled for Friday, December 10, 2004. Details will be published at a later date.)

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida), or (352)796-7211, Extension 4609, Fax (352)754-6874, TDD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District (SWFWMD)** announces the following meeting(s) to which all interested parties are invited to attend:

WITHLACOCHEE RIVER BASIN BOARD MEETING

DATE AND TIME: Monday, December 6, 2004, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

POLK COUNTY LEGISLATIVE DELEGATION MEETING

DATE AND TIME: Monday, December 6, 2004, 6:00 p.m.

PLACE: County Commission Chambers, 330 West Church Street, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of District legislative and funding priorities.

COASTAL RIVERS BASIN BOARD MEETING

DATE AND TIME: Tuesday, December 7, 2004, 1:00 p.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

MANASOTA BASIN BOARD MEETING

DATE AND TIME: Wednesday, December 8, 2004, 9:00 a.m.

PLACE: SWFWMD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Consideration of Basin business.

LAKE COUNTY LEGISLATIVE DELEGATION MEETING
DATE AND TIME: Wednesday, December 8, 2004, 1:00 p.m.

PLACE: Lake Sumter Community College, Tavares, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of District legislative and funding priorities.

HILLSBOROUGH RIVER BASIN BOARD

DATE AND TIME: Thursday, December 9, 2004, 9:00 a.m.
PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Consideration of Basin business.

PINELLAS COUNTY LEGISLATIVE DELEGATION MEETING

DATE AND TIME: Thursday, December 9, 2004, 9:00 a.m.
PLACE: Seminole Campus of St. Petersburg College, Digitorium, 9200 113th Street, North, Seminole, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of District legislative and funding priorities.

CITRUS COUNTY LEGISLATION DELEGATION MEETING

DATE AND TIME: Thursday, December 9, 2004, 1:00 p.m.
PLACE: Citrus County Commission Chambers, 110 N. Apopka Avenue, 2nd Floor, Inverness, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of District legislative and funding priorities.

PEACE RIVER BASIN BOARD (Note: This is a change of date from what was originally scheduled in the year-long calendar.)

DATE AND TIME: Friday, December 10, 2004, 9:30 a.m.
PLACE: Lake Placid City Hall, 51 Park Drive, Lake Placid, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED:
Consideration of Basin business. A tour of reclaimed water and natural systems projects being considered for future funding by the Basin will immediately follow the Basin Board meeting.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida), or (352)796-7211, Extension 4609, Fax (352)754-6874, TDD 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: Monday, November 29, 2004, 9:00 a.m. – complete

PLACE: City of St. Cloud Commission Chambers, 1300 9th Street, St. Cloud, Florida 34769

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular Governing Board Land Resources and Regulatory 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 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 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:

DATES AND TIMES: Wednesday, December 1, 2004, 1:30 p.m. – 5:30 p.m.; Thursday, December 2, 2004, 8:30 a.m. – 12:00 Noon

PLACE: 61 Hawk’s Cay Boulevard, Duck Key, Florida 33050
GENERAL SUBJECT MATTER TO BE CONSIDERED:
Water Resources Advisory Commission (WRAC) Joint meeting with South Florida Ecosystem Restoration (SFER) on December 1; and a Regular WRAC meeting on December 2nd.

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/gover/wrac/main.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the 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 Paula Moree, Staff Business Operations Analyst, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6447.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, December 6, 2004, 10:00 a.m.

PLACE: SFWMD Headquarters, 3301 Gun Club Road, B1 Auditorium, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Comprehensive Everglades Restoration Plan (CERP) Issues Workshop.

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/gover/wrac/main.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the 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 Paula Moree, Staff Business Operations Analyst, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6447.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, December 7, 2004, 9:00 a.m. – complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Audit and Finance 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 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 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, December 7, 2004, 9:00 a.m.

PLACE: The South Florida Water Management District, 3301 Gun Club Road, IBIS Conference Room, 2nd Floor, West Palm Beach, Florida, Meet Me No.(850)921-6455, Suncom 291-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conference call meeting of a Lake Belt Mitigation Subcommittee, created pursuant to Section 373.41492, Florida Statutes, to conduct tour of the Model Lands area to assess lift mitigation ratios; using Model Lands as an alternative site.

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: Beth McArdle, Land Resources Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7210, West Palm Beach, FL 33406, (561)682-6172.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: December 8, 2004, 9:00 a.m.

PLACE: The South Florida Water Management District, Florida B-1 Auditorium, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Governing Board of the South Florida Water Management District to adopt the Florida Forever Work Plan, 2005 Annual Update, included as Chapter 8; Volume II of the South Florida Environmental Report.

A copy of the agenda may be obtained seven days prior to the meeting at the (1) District website: <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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 Wanda Caffie Simpson in the Land Resources Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7220, West Palm Beach, FL 33406, (561)682-6445.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, December 8, 2004, 9:00 a.m. – complete

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 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 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: December 8, 2004, 9:00 a.m.

PLACE: The South Florida Water Management District, B-1 Auditorium in Building B-1, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Governing Board of the South Florida Water Management District to discuss the Florida Forever Work Plan, 2005 Annual Update, included as Chapter 8; Volume II of the South Florida Environmental Report.

A copy of the agenda may be obtained seven days prior to the meeting at the District website <http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html> or 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: Wanda Caffie Simpson in the Land Resources Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7220, West Palm Beach, FL 33406, (561)682-6445.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATES AND TIME: Friday, December 10, 2004; Wednesday, December 15, 2004; Friday, December 17, 2004; Wednesday, December 22, 2004; Wednesday, December 29, 2004, 9:00 a.m. – complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Meeting 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 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 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.

DATES AND TIME: Wednesday December 15, 2004; Friday, December 17, 2004; Wednesday, December 22, 2004; Wednesday, December 29, 2004, 9:00 a.m. until completed

PLACE: SFWMD Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Governing Board meeting to discuss water management business.

NOTE: Call District Clerk, (561)682-6371, for further information.

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 seven days prior to any scheduled meeting at the District website <http://www.sfwmd.gov/agenda.html> or 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 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.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

NOTICE OF NEW LOCATION – The Florida **Commission for the Transportation Disadvantaged** announces a Rate Workshop to which all persons are invited.

DATE AND TIME: Thursday, December 9, 2004, 10:00 a.m. – completion

PLACE: Eden Roc Resort and Spa, 4525 Collins Avenue, Miami Beach, Florida 33140, (305)531-0000.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain public input on the rate process.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Erin Schepers, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a TD Oversight Committee Meeting to which all persons are invited.

DATE AND TIME: December 16, 2004, 10:00 a.m. – completion

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida 32819, (407)996-9700

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and report progress to the full Commission for services coordinated and provided by CTCs and subcontractors.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Erin Schepers, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

FLORIDA SPACE AUTHORITY

The **Florida Space Authority** announces a Board of Supervisors teleconference meeting to which the public is invited.

DATE AND TIME: December 10, 2004, 10:00 a.m. – 11:15 a.m. (EST)

PLACE: Teleconference Meeting (321)476-3966, Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will discuss the status of Authority programs in the areas of business development, space transportation and planning, construction and facilities, education, policy coordination and any other administrative issues that may need to be considered relating to the business of the Authority and other state agencies.

For more information, contact: Margo Witcher, (321)730-5301, Ext. 1105.

To obtain a copy of the agenda, write: Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003, website: www.floridaspaceauthority.com.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact Florida Space Authority at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Board of Supervisors with respect to any matter considered at the above cited meeting or hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF ELDER AFFAIRS

The **Guardianship Task Force** announces a telephone conference call to which all interested persons are invited to participate.

DATE AND TIME: December 1, 2004, 3:00 p.m. – 5:00 p.m.

PLACE: In Tallahassee 922-2903, Outside Tallahassee (toll free) 1(800)416-4254, Suncom 292-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: The members will be addressing issues regarding preparation of their final report. The public meeting will also include time to receive comments from the public as it relates to their final report.

Written public testimony may be mailed to: Guardianship Task Force, Statewide Public Guardianship Office, 4040 Esplanade Way, Suite 315M, Tallahassee, Florida 32399-7000, Faxed (850)414-2384, e-mailed: Robert Bayerl, bayerlrm@elderaffairs.org.

Any person(s) requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting (850)414-2381. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

The **Department of Elder Affairs** has scheduled a meeting for all providers and potential providers of services under the long-term care community diversion pilot projects. Participation is voluntary and all interested parties are invited to attend.

DATE AND TIME: December 16, 2004, 9:00 a.m. – 4:30 p.m.

PLACE: 4040 Esplanade Way, Room 225F, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE DISCUSSED: Capitation rate methodology of the long-term care community diversion projects under Sections 430.701-.709, F.S.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Statewide Community Based Services,

(850)414-2140, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Elder Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting/public forum of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

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

PLACE: Florida Hospital Association, 307 Park Lake Circle, Orlando, Florida 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at www.fdhc.state.fl.us/dhit/index.shtml seven (7) days prior to the meeting.

The **Agency for Health Care Administration (AHCA)** announces the third meeting of the State Medicaid County Billing Workgroup.

DATE AND TIME: December 9, 2004, 1:00 p.m. – 5:00 p.m.

PLACE: Fort Knox Office Complex, 2727 Mahan Drive, Building 2, Administrative Services Conference Room, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workgroup will discuss the issue of certifying county residents as it relates to the billing of counties for Medicaid nursing home costs.

Any person requiring a special accommodation at the meeting because of a disability or physical impairment should contact Mrs. Irish Guyton, (850)488-2964, at least 48 hours prior to the meeting.

A copy of the agenda may be obtained by writing: Mrs. Christy Gregg, Deputy Secretary for Administrative Services, 2727 Mahan Drive, Mail Stop #10, Tallahassee, Florida 32308.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 9, 2004, 1:00 p.m. – 5:00 p.m.

PLACE: Tampa General Hospital, 2 Columbia Drive, Burn Conference Room, West Building, C wing, C600, Tampa, Florida (on Davis Island)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Development of Inpatient Burn Center Standards and Criteria.

A copy of the agenda may be obtained by writing: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308. Agendas can also be requested via e-mail: COLVINL@fdhc.state.fl.us. To be included in e-mail notices of the Burn Center Work Group, please mail/e-mail or fax your e-mail address to the address above or fax to (850)413-7955.

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)922-0791.

The **Agency for Health Care Administration** announces a public meeting of the Council for the Regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: December 3, 2004, 1:30 p.m. – 3:00 p.m.

PLACE: Via Conference Call, Phone Number (850)410-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with HB 1843, Section 13 (9) of the 2004-05 Florida Legislature, and 409.911, F.S., the Agency for Health Care Administration has created the Medicaid Disproportionate Share Council:

The purpose of the council is to study and make recommendations regarding:

1. The formula for the regular disproportionate share program and alternative financing options;
2. Enhanced Medicaid funding through the Special Medicaid Payment program; and
3. The federal status of the upper-payment-limit funding option and how this option may be used to promote health care initiatives determined by the council to be state health care priorities.

The council shall include representatives of the Executive Office of the Governor and of the agency; representatives from teaching, public, private nonprofit, private for-profit and family practice teaching hospitals; and representatives from other groups as needed.

The council shall submit its findings and recommendations to the Governor and the Legislature no later than February 1 of each year.

The agenda has not been set. Contact Edwin Stephens, (850)413-8067, Suncom 294-8067, with any questions or to obtain an agenda when it is set.

The **Agency for Health Care Administration** announces a public meeting of the Council for the Regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: December 10, 2004, 1:30 p.m. – 3:00 p.m.

PLACE: Via Conference Call, Phone Number (850)410-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with HB 1843, Section 13 (9) of the 2004-05 Florida Legislature, and 409.911, F.S., the Agency for Health Care Administration has created the Medicaid Disproportionate Share Council:

The purpose of the council is to study and make recommendations regarding:

1. The formula for the regular disproportionate share program and alternative financing options;
2. Enhanced Medicaid funding through the Special Medicaid Payment program; and
3. The federal status of the upper-payment-limit funding option and how this option may be used to promote health care initiatives determined by the council to be state health care priorities.

The council shall include representatives of the Executive Office of the Governor and of the agency; representatives from teaching, public, private nonprofit, private for-profit and family practice teaching hospitals; and representatives from other groups as needed.

The council shall submit its findings and recommendations to the Governor and the Legislature no later than February 1 of each year.

The agenda has not been set. Contact Edwin Stephens, (850)413-8067, Suncom 294-8067, with any questions or to obtain an agenda when it is set.

The **Agency for Health Care Administration** announces a public meeting of the Council for the Regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: December 17, 2004, 1:30 p.m. – 3:00 p.m.

PLACE: Via Conference Call, Phone Number (850)410-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with HB 1843, Section 13 (9) of the 2004-05 Florida Legislature, and 409.911, F.S., the Agency for Health Care Administration has created the Medicaid Disproportionate Share Council:

The purpose of the council is to study and make recommendations regarding:

1. The formula for the regular disproportionate share program and alternative financing options;
2. Enhanced Medicaid funding through the Special Medicaid Payment program; and
3. The federal status of the upper-payment-limit funding option and how this option may be used to promote health care initiatives determined by the council to be state health care priorities.

The council shall include representatives of the Executive Office of the Governor and of the agency; representatives from teaching, public, private nonprofit, private for-profit and family practice teaching hospitals; and representatives from other groups as needed.

The council shall submit its findings and recommendations to the Governor and the Legislature no later than February 1 of each year.

The agenda has not been set. Contact Edwin Stephens, (850)413-8067, Suncom 294-8067, with any questions or to obtain an agenda when it is set.

DEPARTMENT OF MANAGEMENT SERVICES

The State of Florida, **State Technology Office** announces a Chief Information Officers (CIO) Council Meeting to which all persons are invited.

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

PLACE: Capital Circle Office Center, Betty Easley Conference Center, Room 166, 4075 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Elaine Womble, (850)922-2680, e-mail: Elaine.womble@myflorida.com.

The State of **Florida Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: December 13-14, 2004, 8:30 a.m.

PLACE: Omni Hotel, 245 Water Street, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950, (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service, 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meetings, to which all persons are invited to attend.

DATE AND TIME: December 8, 2004, 9:00 a.m.

PLACE: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting, portions may be closed to the public.

The following cases are open to the public:

Elodia Bethea, Case No. 2004-042170

Buffa Blanchett, Case No. 2004-042165

John Bodensiek, Case No. 2004-029505

Capital City Design Center, Case No. 2004-038432

Brian J. Cote, Case No. 2004-029165

Glenn Dasher, Case No. 2004-042194

Rafael Davila, Case No. 2004-046356

Craig Davisson, Case No. 2004-042174

William Deemer, Case No. 2004-029810

Victor Dekonschin, Case No. 2003-002792

James R. Ervin, Case No. 2004-019098

Renee Finberg, Case No. 2004-038768

First Impressions Design and Management, Inc., Case No. 2004-011721

Interiors by CK, Inc., Case No. 2004-038546

Jennifer Irizarri, Case No. 2004-045562

John W. Johnson, Case No. 2004-041400

Jill Keebler, Case No. 2004-042114

Michael Kleinschmidt, Case No. 2004-042105

Duane Kozchenko, Case No. 2004-042112

Roger Kress, Case No. 2003-026328

Diane Leone, Case No. 2004-045710

Gary Mahan, Case No. 2004-042187

Bryan Molyet, Case No. 2003-083518

Fred Prather, Case No. 2004-028461

Jose Rodriguez, Case No. 2003-004489

Sand Castles Estate Homes, Inc., Case No. 2004-045742

Christine Seoane, Case No. 2004-037290

Shibui Studios, Inc., 2004-038496

Dan F. Voelker, Case No. 2003-042587

Edward Worrell, Case No. 2003-075333

Jan Wuliger, Case No. 2004-038737

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, FL 32308-4893.

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 Smith, Thompson, Shaw & Manausa, P.A., (850)402-1570, 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 to which all persons are invited.

DATE AND TIME: Tuesday, December 7, 2004, 9:00 a.m. (EST)

PLACE: The Department of Business and Professional Regulation, Conference Room, 1940 N. Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business for the Board of Auctioneers.

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 Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: December 7, 2004, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The Florida Homeowners' Construction Recovery Fund of the **Construction Industry Licensing Board**, Florida Homeowners' Construction Recovery Fund Committee announces a meeting.

DATE AND TIME: December 16, 2004, 10:00 a.m. or soon thereafter

PLACE: Division of Real Estate, 400 West Robinson Street, Suite N901, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review claims.

A copy of the public portion of the agenda may be obtained by writing: Valeria Singleton, Regulatory Supervisor, Florida Homeowners' Construction Recovery Fund, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)921-6593

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Florida Homeowners' Construction Recovery Fund no later than forty-eight hours prior to the proceeding or meeting at which such special accommodation is required. The Florida Homeowners' Construction Recovery Fund may be contacted at the address and phone number listed above.

The **Board of Professional Surveyors and Mappers** announces a General Business meeting, by way of a telephone conference call. All interested parties are invited to attend at the address listed below.

General Business Meeting

DATE AND TIME: December 9, 2004, 10:00 a.m.

PLACE: Meet-Me-Number (850)410-0968, Suncom 210-0968

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

A copy of the agenda may be obtained by writing: John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756, (850)487-1395.

Persons decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact John Knap by Monday, December 6, 2004.

The **Board of Professional Surveyors and Mappers** announces a Probation Review Committee, Continuing Education Committee, Application Review Committee, Privatization Committee, Rules Workshop, and a General Business Meeting. All interested parties are invited to attend at the address listed below.

DATE AND TIME: January 5, 2005, 8:30 a.m., Continuing Education Committee meeting followed by a Application Review Committee meeting, followed by a Privatization Committee meeting, followed by a Rules Workshop followed by a General Business Meeting, if time allows

DATE AND TIME: January 6, 2005, 8:00 a.m., Probation Review Committee meeting followed by a General Business meeting

PLACE: Pink Shell Beach Resort, 275 Estero Blvd., Ft. Myers, Florida 33931

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

A copy of the agenda may be obtained by writing: John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756 or by calling (850)487-1395.

Persons decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771.

Persons requiring special accommodations due to disability or physical impairment should contact John Knap by Monday, January 3, 2005.

The **Regulatory Council of Community Association Managers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: January 21, 2005, 10:30 a.m. (EST)

PLACE: Department of Business and Professional Regulation Conference Room, 1940 North Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: The Regulatory Council of Community Association Managers, 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 Real Estate Appraisal Board (FREAB)** announces a meeting to which all persons are invited.

DATES AND TIMES: Monday, December 6, 2004, 9:00 a.m. or the soonest thereafter; reconvening Tuesday, December 7, 2004, 8:30 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, disciplinary actions and general subject matter.

If a person decides to appeal a decision made by the Board, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Ashley Dashnaw, Regulatory Specialist III, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 8, 2004, 10:00 a.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

The Florida **Department of Juvenile Justice** and the State Advisory Group announce a meeting to which all interested persons are invited to participate.

DATE AND TIME: November 17, 2004, 7:00 p.m.

PLACE: Private Dining Room, Citron Restaurant, SAG Convention Resort Grounds

GENERAL SUBJECT MATTER TO BE CONSIDERED: Includes the statewide DMC initiative.

A copy of the agenda and other specifics about the meeting may be obtained by calling: Stephanie Bontrager, Office of Research & Planning, (850)414-2238.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Department of Juvenile Justice, Office of Research and Planning, (850)414-2238, no less than (7) days prior to the meeting at which such special accommodation is required.

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: November 29, 2004, 2:00 p.m. – 3:00 p.m. (EST)

PLACE: Florida Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, FL 32399; 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 or call (850)245-4055.

P.O. # D029262

The **Board of Acupuncture** announces a meeting cancellation to which all interested persons are invited to attend.

DATE AND TIME: Friday, December 3, 2004, 9:00 a.m. or soon thereafter

PLACE: Wyndham Ft. Lauderdale Airport, 1870 Griffin Road, Dania Beach, Florida 33004, (954)920-3300

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Acupuncture, (850)245-4161, at least five (5) 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).

A copy of the agenda may be obtained by writing: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed meeting, to which all persons are invited to attend.

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

PLACE: Department of Health, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Building 4042, Tallahassee; Meet Me Number (850)410-0967

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 Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Board of Chiropractic Medicine** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, December 10, 2004, 8:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, website: www.doh.state.fl.us/mqa/chiro/chiro_home.html.

The **Department of Health, Board of Dentistry**, Probable Cause Panel announces a telephone conference call in which reconsiderations will be heard.

DATE AND TIME: December 10, 2004, 9:30 a.m.

PLACE: Telephone Number (850)921-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the panel to review reconsiderations.

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, 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 Florida **Board of Medicine**, Probable Cause Panel (South) announces a telephone conference call to be held via meet me number.

DATE AND TIME: December 10, 2004, 2:00 p.m.

PLACE: Meet Me Number (850)922-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

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.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229,

Tallahassee, Florida 32317-4229: Telephone (850)922-2414; 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: December 17, 2004, 2:00 p.m.

PLACE: Meet Me Number: (850)414-5775, Suncom Number 994-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

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.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Board of Podiatric Medicine** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, December 3, 2004, 10:00 a.m. or shortly thereafter

PLACE: Barry University, 11300 N. E. 2nd Avenue, Andreas Building, Room 112, Miami Shores, FL 33161

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 Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/podiatry/po_home.html.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

EXECUTIVE COMMITTEE

DATE AND TIME: November 30, 2004, 9:00 a.m. – 11:00 a.m.

PLACE: Clem C. Benton Bldg., Room 335, 337 N. US Hwy #1, Ft. Pierce, FL 34950

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4178

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact Pearlie Clark, ADA Coordinator, (772)467-4184, at least five 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).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

ALLIANCE MEETING

DATE AND TIME: December 10, 2004, 8:30 a.m. – 10:30 a.m.

PLACE: Workforce Development Board, Village Green Retail Center, 9350 South U.S. 1, Port St. Lucie, Florida

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4178

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact Pearlie Clark, ADA Coordinator, (772)467-4184, at least five 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).

The **Department of Children and Family Services** and Charlotte Homeless Coalition announce contract negotiations to which all interested persons are invited to participate.

DATE AND TIME: Thursday, December 9, 2004, 1:00 p.m.
PLACE: 2295 Victoria Avenue, Room # 307, Fort Myers, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: Emergency Shelter Grant for Fiscal Year 2004/05.
Copies of the agenda may be obtained by calling: (239)338-1330.

The Florida **Freedom Initiative Advisory Council** announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: Wednesday, November 29, 2004, 10:00 a.m. – 4:00 p.m.
PLACE: Florida Department of Children and Family Services, 1317 Winewood Boulevard, Building #4, Tallahassee, Florida

The **Department of Children and Family Services** announces it's negotiations schedule with Community Based Care of Brevard Inc. to which all persons are invited to attend.

DATES AND TIME: November 10, 2004 – Brevard; November 17, 2004 – Brevard; November 24, 2004 – Brevard; December 1, 2004 – Brevard; December 2, 2004 – Orlando; December 8, 2004 – Brevard; December 9, 2004 – Orlando; December 15, 2004 – Brevard; December 16, 2004 – Orlando; December 20, 2004 – Orlando; December 21, 2004 – Orlando, 10:00 a.m.
PLACE: Brevard County – 4450 W. Eau Gallie Blvd., Suite 180, Melbourne, Florida 32940; Orlando – 400 W. Robinson Street, Suite S-1106, Orlando, FL
Meeting times and dates are subject to change. For further information contact: James Carlson (321)749-3775, (407)245-0400, Ext. 162.

The **Department of Children and Family Services** and the Community Enhancement and Educational Development Program announce the second meeting of the TEAM Florida Partnership Interprogram Task Force addressing the Florida Child Abuse Prevention Plan.

DATE AND TIME: December 1, 2004, 9:00 a.m. – 4:00 p.m.
PLACE: Conference Room, EATZ Café, Southwood Office Complex, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: Define Vision, Define Prevention Goals, Plan the Task Force roles in the training of local planners.

A copy of the agenda may be obtained from: Julie Helter, (850)488-4768.

Persons with disabilities who require assistance to participate in the meeting are requested to notify Ms. Helter at least 48 hours in advance so that their needs can be accommodated.

The **Department of Children and Family Services** announces the Final Site Visit of the Peer Review Team for CBC Readiness Assessment in Brevard County to which all interested persons are invited to participate.

DATE AND TIME: Friday, December 3, 2004, 8:30 a.m. – 5:00 p.m.
PLACE: CBC Brevard Offices, 4450 W. Eau Gallie Blvd., Suite 180, Melbourne, Florida 32934
Meeting times and dates subject to change.
For further information contact: James Carlson, (321)749-3775, (407)245-0400, Ext. 162.

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.

DATE AND TIME: Monday, November 29, 2004, 10:00 a.m. – 3:00 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 this 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, Florida Department of Children and Family Services, Mental Health Program Office, Bldg1, Room 206, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)410-1575.

The **Florida Statewide Advocacy Council (FSAC)** announces meetings for all Statewide Advocacy Council members, including the Chair, Vice-Chair, Executive Director, Assistant Executive Directors, administrative office staff and Local Advocacy Council members approved by the local Chair to attend. Parts of the meetings are open to the public.

DATES AND TIMES: January 19-21, 2005, March 23-25, 2005, May 18-20, 2005, July 20-22, 2005, September 21-23, 2005 and November 8-11, 2005

CONFERENCE CALL DATES AND TIMES: Every Wednesday from 10:00 – 12:00 Noon, beginning January 5, 2005 – December 28, 2005 (January 5, 12, 19, 26, 2005; February 2, 9, 16, 23, 2005; March 2, 9, 16, 23, 30, 2005; April 6, 13, 20, 27, 2005; May 4, 11, 18, 25, 2005; June 1, 8, 15, 22, 29, 2005; July 6, 13, 20, 27, 2005; August 3, 10, 17, 24, 31, 2005; September 7, 14, 21, 28, 2005; October 5, 12, 19, 26, 2005; November 2, 9, 16, 23, 30, 2005; December 7, 14, 21 and 28, 2005

PLACE: Please call (850)487 9580 or Suncom 277-9580.

NAVIGATION DISTRICTS

The Board of Commissioners of the Florida **Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 3, 2004, 8:00 a.m.

PLACE: The Conner Library, 201 Sams Road, City of New Smyrna Beach, Volusia County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District’s Finance and Budget, Manatee Sign, Legislative and Property Acquisition and Management Committees will meet.

Please contact the District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FLORIDA HOUSING FINANCE CORPORATION

Notice is hereby given that the **Florida Housing Finance Corporation** (“Florida Housing”) will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 (“TEFRA”) to which all interested persons are invited.

DATE AND TIME: Friday, December 3, 2004, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to refinance a portion of the costs of the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Hunter’s Run Apartments, a 304-unit multifamily residential rental community located at 1535 Blanding Boulevard, Middleburg, Clay County, Florida 32068. The owner and operator of the development is Hunter’s Run, Ltd., c/o Cornerstone Group Development, 2121 Ponce de Leon Boulevard, Penthouse, Coral Gables, Florida 33134, or such successor in interest in which Hunter’s Run, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The manager of the development is Cornerstone Residential Management, LLC, 2121 Ponce de Leon Boulevard, Penthouse, Coral Gables, Florida 33134. The total tax-exempt bond amount is not to exceed \$15,350,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development a portion of which may be refinanced. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), Thursday, December 2, 2004, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** (“Florida Housing”) will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 (“TEFRA”) to which all interested persons are invited.

DATE AND TIME: Friday, December 3, 2004, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to refinance a portion of

the costs of the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below: Mission Bay Apartments, a 360-unit multifamily residential rental community located at 1703 Mission Bay Circle, Rockledge, Brevard County, Florida 32955. The owner and operator of the development is Mission Bay Associates, Ltd., c/o Cornerstone Group Development, 2121 Ponce de Leon Boulevard, Penthouse, Coral Gables, Florida 33134, or such successor in interest in which Mission Bay Associates, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The manager of the development is Cornerstone Residential Management, LLC, 2121 Ponce de Leon Boulevard, Penthouse, Coral Gables, Florida 33134. The total tax-exempt bond amount is not to exceed \$16,740,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development a portion of which may be refinanced. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), Thursday, December 2, 2004, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

NOTICE OF CANCELLATION – The Affordable Housing Study Commission meeting scheduled as follows has been CANCELLED.

DATES AND TIME: December 8-9, 2004

PLACE: Tampa Marriott – Tampa International Airport, Hotel phone (813)879-5151

The next meeting will be held on:

DATE AND TIME: January 5, 2005, 10:30 a.m. – 4:00 p.m.

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Hotel phone (407)825-1234

For questions please contact: Rhanda Mckown, Florida Housing Finance Corporation, (850)488-4197.

DEPARTMENT OF FINANCIAL SERVICES

The Enterprise Resource Planning Integration Task Force, **Florida Financial Management Information System (FFMIS)** Coordinating Council announces the following public meeting to which all persons are invited.

DATE AND TIME: December 9, 2004, 10:00 a.m. – 12:00 Noon

PLACE: Chief Financial Officer's Conference Room, PL12, The Capitol Building, Tallahassee, Florida (Please Note: The above date, time and place of the meeting are tentative.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Task Force will present the results of the States EIS study, with possible presentations from other states and industry. Please visit <http://erpitf.fldfs.com/>.

A copy of the agenda may be obtained by contacting: Don Northam, Department of Financial Services, 200 E. Gaines Street, Tallahassee, FL 32399-0352, (850)413-2822, Fax (850)487-0453, e-mail: northamd@dfs.state.fl.us

SCRIPPS FLORIDA FUNDING CORPORATION

The Board of Directors of the **Scripps Florida Funding Corporation**, Investment Committee announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Wednesday, December 1, 2004, 4:00 p.m. – 5:00 p.m.

PLACE: Tele-conference 1(877)242-6519, Conference ID #: 2297660, Leader: Jennie Hopkins

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will be to review securities lending with The State Board of Administration.

The date, time and/or place are subject to change. Please check <http://www.myflorida.com/myflorida/government/governorinitiatives/otted/index.html> for meeting date, time, place, and materials.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact jennie.hopkins@myflorida.com at least 48 hours in advance of the meeting.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

The **Florida Developmental Disabilities Council**, Inc. announces its regularly scheduled business meeting:

DATES AND TIMES: December 2, 2004, 10:00 a.m. – 4:30 p.m.; December 3, 2004, 8:30 a.m. – 2:00 p.m.

PLACE: Celebration Hotel, 700 Bloom Street, Celebration, FL 34747

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Meetings

MEETING TIMES ARE SUBJECT TO CHANGE

To receive a copy of the agenda, or request special accommodations for participation in the meeting, please feel free to contact: Linda Rossman, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301-2981, toll free 1(888)488-4180, TDD toll free 1(888)488-8633.

FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces a Board telephone conference meeting to which all interested parties are invited to attend.

DATE AND TIME: December 3, 2004, 10:00 a.m. – 12:00 Noon (Eastern Time) or as soon as business has been concluded

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Insurance Guaranty Association Board will meet to review and determine whether or not an assessment will be made by FIGA based on the 2003 premium base and any other issues presented to the Board.

A copy of the agenda and telephone conference information may be obtained by contacting: Mr. Anthony Grippa, (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate the meeting is asked to advise the Association by contacting Mr. Anthony Grippa, (850)386-9200, at least 48 hours before the session if the person wishes to participate. A person who is hearing or speech impaired may also contact the TDD, 1(800)955-1339.

VISIT FLORIDA

The Florida **Commission on Tourism** announces a public meeting of the Downtowns & Small Towns Task Force of the New Product Development Council.

DATE AND TIME: Friday, December 3, 2004, 11:00 a.m. – adjournment

PLACE: VISIT FLORIDA, Corporate Offices, 661 East Jefferson Street, Suite 300, Tallahassee, FL 32301, (850)488-5607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss five-year program and marketing plan.

For further information contact: Jill Rutli, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 347.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces an FAJUA Advisory Committee meeting and an FAJUA Board of Governors meeting to which all persons are invited:

FAJUA Advisory Committee Meeting

DATE AND TIME: Monday, December 6, 2004, 9:00 a.m.

PLACE: Conrad Miami, Espirito Santo Plaza, 1395 Brickell Avenue, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss progress of goals agreed upon by the FAJUA Board of Governors at the September 28, 2004 meeting and any other matters that may come before the committee.

FAJUA Board of Governors Meeting

DATE AND TIME: Monday, December 6, 2004, immediately following the FAJUA Advisory Committee meeting, but not prior to 10:00 a.m.

PLACE: Conrad Miami, Espirito Santo Plaza, 1395 Brickell Avenue, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive reports of the general manager, committees, and counsel; to consider and take actions based on those reports; and consider any other matters that may come before the Board.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive, East, #201A, Tallahassee, FL, (850)681-2003, e-mail: lstoutamire@fajua.org.

JUSTICE ADMINISTRATIVE COMMISSION

The **Justice Administrative Commission** announces weekly meetings to which all interested persons are invited.

DATES AND TIME: Mondays, December 6, 13, 20 and 27, 11:00 a.m.

PLACE: All meetings will be held via conference calls, please contact Jessica Kranert, (850)488-2415, for the appropriate phone number for each meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: During the meetings, the Commission will address various issues arising during the transition phase of Article V, Revision 7 to the Florida Constitution. In conjunction with the

Americans with Disabilities Act, please contact JAC if special accommodations are needed. For TDD service, please use Dual Party Relay System, 1(800)955-8771.

CRIMINAL JUSTICE STANDARDS AND TRAINING COMMISSION

The **Criminal Justice Standards and Training Commission**, Region VIII Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: December 7, 2004, 2:00 p.m.

PLACE: Polk Community College, 999 Avenue H, N. W., Winter Haven, Florida 33881

GENERAL SUBJECT MATTER TO BE CONSIDERED: Principal agenda items to be considered: Old business; New Business; Region VIII Course Offerings; Region VIII Audit; Region VIII Budget; CJSTC Rules; Training Issues; Other Items

A copy of the agenda may be obtained by writing: Lieutenant Craig C. Smith, Director, Polk Community College, Kenneth C. Thompson Institution of Public Safety, 999 Avenue H, N. E., Winter Haven, FL 33881.

The Indian River Community College, **Criminal Justice Training Institute** announces a public meeting for the Region XI Training Council, to which the public is invited.

DATE AND TIME: December 9, 2004, 10:00 a.m.

PLACE: Martin County Sheriff's Office Training Room, 1829 S. E. Airport Road, Stuart, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review information gathered at the November State Commission meeting, provide update on training classes, and any other issues involving the region.

COUNCIL FOR EDUCATION POLICY, RESEARCH AND IMPROVEMENT

The **Council for Education Policy, Research and Improvement** announces a public meeting.

DATES AND TIMES: Tuesday, December 7, 2004, 6:30 p.m. – 8:30 p.m.; Wednesday, November 8, 2004, 8:30 a.m. – 1:30 p.m.

PLACE: Tampa (location TBA)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of work related to the A Plus Program, Public Broadcasting, the Master Plan, and other ongoing assignments.

A conference call may be scheduled one week following the meeting to address any matters which require follow-up. The agenda and related materials may be accessed prior to the meeting at www.cepri.state.fl.us. For further information, contact: Council office, (850)488-7894.

SUMTER COUNTY

Sumter County and the Florida **Department of Environmental Protection** announce a meeting for the Florida Organics Recycling Center for Excellence to which all persons are invited.

DATE AND TIME: Thursday, December 9, 2004, 10:00 a.m. – 2:00 p.m.

PLACE: Sumter County Public Works Facility, Bushnell, Florida (Please call 1(800)566-4413, for directions and meeting room location)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting of the technical advisory group for the Florida Organics Recycling Center for Excellence (FORCE) project being developed by Sumter County under a Department contract. Sumter County and the Department will seek guidance as the project progresses and tasks associated with Year Four of the project continue.

If accommodation for a disability is needed to participate in this activity, please notify Miriam Zimms, (813)971-8333, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing or calling: Miriam Zimms, Kessler Consulting, Inc., 14620 N. Nebraska Ave., Bldg. D, Tampa, FL 33613, (813)971-8333, Extension 22.

SARASOTA COUNTY

The Sarasota County, **Government Public Works Division** announces the postponement of the following public hearing:

DATE AND TIME: Thursday, December 9, 2004, 4:30 p.m. – 7:00 p.m.

PLACE: Laurel Nokomis School, 1900 East Laurel Road, Nokomis, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed extension of Honore Avenue/Pinebrook Road from Laurel Road to State Road 681 in Sarasota County. Sarasota County Project Number 0222.

For project information please write to: Tom Calvert, Project Manager, Sarasota County Public Works Road Program, 1001 Sarasota Center Blvd., Sarasota, Florida 34240.

COMMISSION ON MARRIAGE AND FAMILY SUPPORT INITIATIVES

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: Program Committee

DATE AND TIME: Monday, December 13, 2004, 1:10 p.m. – 3:30 p.m.

PLACE: Via conference call, 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 **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Policy Committee

DATE AND TIME: Thursday, December 16 2004, 2:00 p.m. – 4:00 p.m.

PLACE: Via conference call, 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.

FLORIDA LEAGUE OF CITIES

The **Florida Municipal Investment Trust (FMIVT)** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, December 16, 2004, 2:00 p.m.

PLACE: Hutchinson Island Marriott, 555 N. E. Ocean Blvd., Stuart, FL, (727)225-3700

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 December 16, 2004, 1:00 p.m., at the same location. The purpose of this meeting is to receive reports from investment manager and performance monitor.

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, December 16, 2004, 2:30 p.m. or immediately upon adjournment of FMIVT, which begins at 2:00 p.m.

PLACE: Hutchinson Island Marriott, 555 N. E. Ocean Blvd., Stuart, FL, (727)225-3700

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.

The **Florida Municipal Pension Trust Fund** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, December 16, 2004, 11:00 a.m.

PLACE: Hutchinson Island Marriott, 555 N. E. Ocean Blvd., Stuart, FL, (727)225-3700

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 December 16, 2004, 1:00 p.m., at the same location. The purpose of this meeting is to receive reports from investment manager and performance monitor.

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.

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 November 5, 2004, from Interplan, LLC regarding whether the number of accessible seats in a restaurant is applicable only to fixed seats as described in Chapter 11.4.1.3, Florida Building Code, Accessibility Code.

It has been assigned the number DCA04-DEC-225.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on November 2, 2004, from the Collier County Fire Code Official's Office regarding whether Section 553.72(4), Florida Statutes, provides a local Building Official sole authority to render decisions relative to the requirements of Section NFPA 1, 1-16.16 of the Florida Fire Prevention Code.

It has been assigned the number DCA04-DEC-222.
A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on November 12, 2004, from NuAir Manufacturing regarding the determination of the maximum allowable wind load on vertical glass pursuant to figure 2405.3, Florida Building Code, Building Volume (2001 as amended 06/03) and/or ASTM E1300 adopted by reference within AAMA 101, which is, in turn adopted by reference in section 1707.4.2.1, Florida Building Code, Building Volume (2001 as amended 06/03).

It has been assigned the number DCA04-DEC-231.
A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on November 12, 2004, from Palm Beach County – Building Division regarding the determination of the maximum allowable wind load on vertical glass pursuant to figure 2405.3, Florida Building Code, Building Volume (2001 as amended 06/03).

It has been assigned the number DCA04-DEC-232.
A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on November 10, 2004, from Blair HomeCrafters regarding placement of smoke detectors in sleeping rooms pursuant to section 905.2.2, Florida Building Code, Building Volume (2001 as amended 06/03).

It has been assigned the number DCA04-DEC-230.
A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on November 1, 2004, from Edward Lewis Architects, Inc. regarding the permissible roof slope for a reroofing project within the High Velocity Hurricane Zone that incorporates

more than 25 percent of the roof pursuant to sections 1515.2.2.1, 1510.1, 1521.4 and 423.25.4.2.4, Florida Building Code, Building Volume (2001 as amended 06/03).

It has been assigned the number DCA04-DEC-221.
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.”

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received from Gulf Power Company a petition for a Declaratory Statement or, in the alternative, a rule waiver for portions of Rule 25-6.100, F.A.C. The petition asks whether the rule applies to billings under its recently approved FlatBill rate schedule, and if so, requests a waiver from the rule.

Comments on the petition should be filed with the Commission’s Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days of publication of this notice.

A copy of the petition may be obtained at <http://www.psc.state.fl.us/psc/dockets>, or by writing to the above address. Docket No. 041307-EI.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received a petition for declaratory statement from in In re: Petition for Declaratory Statement, Schooner Village Condominium Association, Inc. Petitioner; Docket Number 2004054845.

The Petitioner requests a declaratory statement as to whether the association may charge a transfer fee for a lease renewal for a seasonal tenant who returns each year under Section 718.112(2)(i), Florida Statutes.

A copy of the petition may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received a petition for a declaratory statement from Florida Jai-Alai, Inc., d/b/a/ Orlando-Seminole Jai-Alai, Petitioner, in DBPR Case No. DS 2004-032. The Petition lists Sections 550.01215(4) and 550.615(2), Florida Statutes, as the statutory provisions upon which a declaratory statement is being sought. The Petition further requests the Division to advise as to whether: Petitioner, if unable to conduct a full schedule of jai-alai games this season, will still be qualified to conduct inter-track wagering during the upcoming 2005-2006 racing year as provided for by Section 550.615(2), Florida Statutes.

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received a petition for a declaratory statement from Pensacola Greyhound Track, Inc., Petitioner, in DBPR Case No. DS 2004-035. The Petition lists Section 550.0951(1)(b), Florida Statutes, as the statutory provision upon which a declaratory statement is being sought. The Petition further requests the Division to advise as to whether: Petitioner may have a one-time opportunity to transfer additional unused tax credits, for the current state fiscal year 2004-2005 time period, to any other willing Florida pari-mutuel wagering facility. In particular, Petitioner requests the Division to advise as to whether Petitioner, having used \$156,782.15 and having transferred \$300,000.00 to Jacksonville, may transfer either a portion of or the entirety of the remaining \$431,310.85 to any other willing Florida pari-mutuel wagering facility.

The Electrical Contractors' Licensing Board hereby gives notice that it has received a petition from M. Joseph Dickerson, Esquire, on behalf of David and Stacy Walker, filed on November 1, 2004, seeking a declaratory statement relating to any requirement to be licensed as a Limited Energy Systems Specialty to install low voltage components, as set forth in subsection 61G6-7.001(4), Florida Administrative Code, where high voltage component(s) are being connected by an appropriately licensed electrical contractor.

Comments on this petition should be filed with the Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, within 14 days of publication of this notice.

For a copy of the petition contact: John Knap, Executive Director, Electrical Contractors' Licensing Board, at the above address or telephone (850)487-1395.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Chiropractic Medicine hereby gives notice that it has issued a Final Order on the Petition for Declaratory Statement filed by Martin M. Monahan, D.C. The Notice of Petition for Declaratory Statement was published in Vol. 30, No. 38, of the September 17, 2004, Florida Administrative Weekly. The Board of Chiropractic Medicine considered the Petition at its meeting held on October 15, 2004 in Tampa, Florida. The Board's Final Order, filed on November 9, 2004, determined that it is within the scope of practice for a licensed chiropractic physician to use Video Nystagmography as a diagnostic tool for balance disorders.

A copy of the Board's Order may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN that the Board of Podiatric Medicine has received a Petition for Declaratory Statement with regard to Chapter 461, Podiatric Medicine, Florida Statutes, which was filed October 4, 2004, by Michael T. McCormick, D.P.M., FACFAS, Boyd A. Robinson, D.P.M., Edward E. Singleton, D.P.M., and R. Clint Laird, D.P.M. Petitioners request a declaratory statement from the Board in regard to whether an endovenous ablation of the Greater Saphenous Vein (GVS) is within the scope of practice for a podiatric physician. This matter will be addressed at the Practice Committee meeting during the regularly scheduled Board meeting on December 3, 2004, 10:30 a.m., or shortly thereafter, at Barry University, ANDRAS Building, Room 112, 11300 N. E. 2nd Avenue, Miami Shores, Florida 33161, (850)245-4355.

A copy of the Petition for Declaratory Statement may be obtained by writing: Joe Baker, Jr. Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that on November 3, 2004, the State of Florida Office of Financial Regulation received a petition that was filed pursuant to Section 120.565, Florida Statutes, from IDA Management Services, Inc., for a declaratory statement regarding the application of Sections 517.021(19) and (20), Florida Statutes. Specifically, the petition has requested a declaratory statement regarding whether Sections 517.021(19) and (20), Florida Statutes, require IDA Management Services, Inc., to become licensed as a broker, dealer, or salesman when conducting the business of offering to sell or selling individual deductible service plans.

The Petition for Declaratory Statement is being processed and is available for public inspection during normal business hours of 8:00 a.m. through 5:00 p.m., Monday through Friday, except legal holidays, at the Office of Financial Regulation, Office of the General Counsel, 200 E. Gaines Street, Fletcher Building, Room #526, Tallahassee, Florida 32399-0379. Requests for copies or inspection should be addressed to Mr. Alan Jackson, Esq., Assistant General Counsel, at the above listed address.

Those persons whose substantial interests may be determined by these proceedings, including settlements, grants, and denials, are advised that they may intervene in this matter in accordance with the provisions of Rule 28-106.205, Florida Administrative Code. Petitions for leave to intervene shall conform with subsection 28-106.201(2) or Rule 28-106.301, Florida Administrative Code, and shall also include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule and/or that the intervenor has substantial interests that are subject to determination or will be affected by the agency's actions during the proceedings. Original petitions and two copies must be filed at least twenty (20) days before the final hearing and shall be filed with:

Agency Clerk
Office of Financial Regulation
200 East Gaines Street
Suite 526, Fletcher Building
Tallahassee, Florida 32399-0379

FAILURE TO FILE A TIMELY REQUEST FOR HEARING AT LEAST TWENTY (20) DAYS BEFORE THE FINAL HEARING SHALL CONSTITUTE A WAIVER OF THAT PERSON'S RIGHT TO REQUEST A HEARING ON ANY MATTER REGARDING THE PETITION FOR DECLARATORY STATEMENT AND THE OFFICE OF FINANCIAL REGULATION WILL ISSUE ITS DECLARATORY STATEMENT BASED ON THE FACTS AND CIRCUMSTANCES THAT ARE SET FORTH IN THE PETITION FOR A DECLARATORY STATEMENT.

The following statutory chapters and rule chapters directly govern the proceedings the Office of Financial Regulation: Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code. In deference to the rights of any substantially affected persons, the Office of Financial Regulation will not settle or otherwise reach a final resolution of these matters until such time when thirty (30) days from the date of this publication have passed.

NOTICE IS HEREBY GIVEN that the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Eric A. Neilinger, on June 19, 2004. The following is a summary of the agency's disposition of the petition:

A. Question: Does the building have to comply with 30.4 which references 11.8? (That reference requires voice evacuation, firefighters phone jacks, and two-hour rated survivability requirements. Subdivision 31.4 for existing buildings does not refer to 11.8.)

Response: No.

B. Question: In an existing apartment building, must they comply with the requirements for audibility inside units if they did not have them before?

Response: Yes.

C. Question: In an existing apartment building must they comply with the requirement for visible signals throughout common areas?

Response: Yes.

D. Question: Please provide clarification as to what degree the existing building must comply with the intent of the Florida Fire Prevention Code and Florida Statutes as a minimum requirement when they replace systems.

Response: Under Section 120.565, Florida Statutes, any clarification must be based on a specific set of facts, conditions, and circumstances which this question does not present. The governing subdivision of NFPA 101 for modernization and renovation of existing buildings is subdivision 4.6.7. This subdivision must be evaluated with the authority having jurisdiction to determine the degree of change required for a specific building, system, or individual component thereof.

A copy of the declaratory statement may be obtained in any of the following ways:

1. Write to, call or send a fax to: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in the event any question arises), or

2. E-mail your request to: mazzeog@doi.state.fl.us (please be sure to specify if you want an unofficial, unsigned but exact duplicate copy e-mailed back to you, or if you want a copy of the official, signed declaratory statement mailed or faxed to you), or
3. Obtain an unofficial, unsigned but exact duplicate copy by visiting the State Fire Marshal's website: <http://www.doi.state.fl.us/SFM/sfmdeclaratorystatement.htm>.

NOTICE IS HEREBY GIVEN that the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Indian County Fire Rescue, on July 14, 2004. The following is a summary of the agency's disposition of the petition:

A. QUESTION: Is it a requirement for a facility that is considered "large" to install a sprinkler system?

RESPONSE: Yes. The word "large" does not appear in Section 400.441, Florida Statutes; however, if a facility of more than eight residents is to be considered "large," as opposed to a facility of eight or fewer residents, then the answer is yes, all facilities with more than eight residents are required to install a sprinkler system.

B. QUESTION: If so, which code section would be used to require this?

RESPONSE: The requirement is not found in the firesafety codes or standards, but rather in the above quoted portion of Section 400.441, Florida Statutes.

C. The above responses are subject to all of the other terms and conditions found in Section 400.411, Florida Statutes.

A copy of the declaratory statement may be obtained in any of the following ways:

1. Write to, call or send a fax to: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in the event any question arises), or
2. E-mail your request to: mazzeog@doi.state.fl.us (please be sure to specify if you want an unofficial, unsigned but exact duplicate copy e-mailed back to you, or if you want a copy of the official, signed declaratory statement mailed or faxed to you), or
3. Obtain an unofficial, unsigned but exact duplicate copy by visiting the State Fire Marshal's website: <http://www.doi.state.fl.us/SFM/sfmdeclaratorystatement.htm>.

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed November 2, 2004, from the Fire Code Official's Office, Collier County, Florida. The Petition is seeking the Department's interpretation of NFPA 1, and Section 633.121, Florida Statutes. Specifically, Petitioner asks:

When the Fire Prevention Code is required by Section 553.72(4), Florida Statutes, to be included by reference as sections in the Florida Building Code, and as FBC Subdivision 3601.2 specifically references compliance with the Florida Fire Prevention Code as adopted by the State Fire Marshal, do these code sections establish that the Building Official has authority to make decisions with respect to the permitting of the types of operations outlined in NFPA 1 (2000 ed.) Subdivision 1-16.16 of the Florida Fire Prevention Code?

A copy of the Petition may be obtained by writing to, calling or sending a fax to: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing: mazzeog@doi.state.fl.us.

Section VIII Notices of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 05L-211, W/O #676785, Restoration of Cooling Tower #1 Serving Chiller #1 and HP2, estimated budget: \$325,000-\$375,000, to be opened December 14, 2004, 2:00 p.m. Local Time. Scope of work: The work includes the complete restoration of Cooling Tower No. 1. The work includes asbestos removal. Specifications and Plans are available in Purchasing and Disbursement Services, Elmore Hall, Radio Road, Gainesville, FL 32611, Telephone (352)392-1331. A Mandatory Pre-Bid Meeting will be held December 1, 2004, 2:00 p.m. in the Physical Plant Division, Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL. All questions should be directed to Sonia Coleman, Purchasing Assistant, UF Purchasing (352)392-1331. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, (352)392-1331 within three (3) days of the event.

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 05L-212, W/O #687066, Fine Arts Building 'C' Re-Roofing, estimated budget: \$275,000 – \$325,000, to be opened December 21, 2004, at 2:00 p.m. Local Time. Scope of work: Removal of existing roofing and flashings, structures as indicated, roof drains and interior leaders, lightning protection and rooftop mechanical equipment for replacement after new roofing work is completed and curbs are completed. Interior work includes removal of the existing ceiling tile, ceiling grid and related elements, for the installation of the roof drain leaders.

New work includes roofing with added roof drains, new base flashings, mechanical curbs, louver, lightning protection and the re-installation of the rooftop mechanical equipment. Interior work includes new roof leader runs and insulation along with the repair of the existing roof deck where the roof drains penetrate. The re-installation of the ceiling grid, tile and related ceiling elements. Any ceiling tile work damaged in removal and storage shall be replaced with new. Specifications and Plans are available in Purchasing and Disbursement Services, Elmore Hall, Radio Road, Gainesville, FL 32611, Telephone (352)392-1331. A Mandatory Pre-Bid Meeting will be held December 8, 2004, 2:00 p.m. in the Physical Plant Division, Architecture/Engineering Conference Room,

Building 700, Radio Road, Gainesville, FL. All questions should be directed to Sonia Coleman, Purchasing Assistant, UF Purchasing, (352)392-1331.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, (352)392-1331 within three (3) days of the event.

NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida, Board of Trustees, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No.: UF-215

Project: CREC Citrus Pathology Laboratory

Location: Lake Alfred, FL

The project consists of design and construction of a 2-story 7840 square foot laboratory/office facility that will be an addition to existing building #7124, in Lake Alfred, FL. The selected firm will provide design, construction documents and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000.00, and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed "Professional Qualifications Supplement," the latest project specific version available from the website: www.facilities.ufl.edu. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 6 copies of the above requested data bound in the order listed above. Applications, which do not comply with the above instructions, may be disqualified. Application materials will not be returned. The plans and specifications for the University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, project information, selection criteria, and instructions for registering as an applicant can be found on the Facilities Planning & Construction website.

Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m. local time, on Tuesday, January 4, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction
232 Stadium/P. O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)392-1256
Fax: (352)392-6378
Internet: www.facilities.ufl.edu

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

EXPRESSWAY AUTHORITIES

NOTICE TO PROFESSIONAL ENGINEERING CONSULTANTS

The Orlando-Orange County Expressway Authority requires the services of a Professional Engineering Consultant in connection with the design for the existing S.R. 429 (S.R. 451) Connection to Vick Road, identified as Project No. 429-200B, in Orange County, Florida. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority, based on information provided by the firms, and who have been prequalified by FDOT to perform the indicated Types of Work.

MAJOR TYPES OF WORK: Group 3.2, Major Highway Design; Group 3.3, Controlled Access Highway Design; Group 4.2, Major Bridge Design.

ADDITIONAL TYPES OF WORK REQUIRED: Group 6.3, Intelligent Transportation Systems Analysis, Design, and Implementation; Group 7, Traffic Operations Design; Group 8, Surveying and Mapping and Group 9, Soil Exploration, Material Testing and Foundations.

DESCRIPTION: The work to be performed under this project will include final geometric design for existing S.R. 429 (S.R. 451) connection to Vick Road. Additional elements include: surveying, right-of-way mapping, drainage evaluation and design, permitting, lighting, signalization, signing and pavement markings, maintenance of traffic, utility design and

coordination, intelligent transportation systems, geotechnical analysis, scheduling and project control, progress reporting and other tasks and associated activities.

LETTERS OF INTEREST SUBMITTAL REQUIREMENTS: Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

1. Experience – Details of specific experience for at least three (3) projects, similar to that described above that involve limited access highway reconstruction, completed by the consultant's Project Manager and other key project team members including the name of client contact person, telephone number, and physical address;
2. Personnel Experience – Resumes of the consultant's proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have a minimum of five (5) years of specific experience in complex highway and/or bridge design projects;
3. Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;
4. Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
5. Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

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.

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.

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:

January 5, 2005, 3:00 p.m., Orlando local time

AUTHORITY CONTACT PERSON:

Mr. Joseph A. Berenis, P.E.
Deputy Executive Director
Telephone: (407)316-3800

LETTER OF RESPONSE ADDRESS:

Orlando-Orange County Expressway Authority
525 S. Magnolia Avenue
Orlando, FL 32801

Re: Existing S.R. 429 (S.R. 451) Connection to Vick Road
Project No. 429-200B

NOTICE TO CONTRACTORS

ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY

TOLL FACILITIES OPERATIONS AND MANAGEMENT CONTRACT NO. 154

The Orlando-Orange County Expressway Authority (Authority) requests written Technical and Price Proposals from qualified firms to operate and manage the Authority's Toll Collection Operations and Toll Facilities. This includes the operation of the Authority's Electronic Toll Collection System at the plaza, ramp and lane level, collection of tolls, audit, and facilities management. Consideration will be given to only those Proposers who are qualified to perform the work as determined by the Authority. The Contractor's experience and knowledge in toll industry practices will be a plus. The Contractor must be able to accommodate and partner with the Authority in implementing changes to the system and operations as the contract continues into the future. The Authority is constantly seeking ways to improve the efficiency and effectiveness of its operations and system. Ron Fagan,

Deputy Director of Operations, will be the contact person on this Project. Any questions in regard to this Notice or requests for an RFP package should be directed to Mr. Fagan at (407)316-3800. RFP packages will be available after 1:00 p.m. on November 15, 2004.

DESCRIPTION OF SERVICES: The services required under this contract will be to provide all the qualified and trained personnel and management necessary to operate the Authority's Toll Facilities. The Authority intends to select a proposal that meets the following objectives: 1) efficient toll collection operations, 2) sound audit and reporting process, 3) responsive, courteous customer service, and 4) it serves the best interest of the Authority. The Contractor must manage the toll operations and all toll collections; provide on-going training; operate and oversee the Authority's Electronic Toll Collection System for all lanes at the plaza, ramp and lane level; ensure that all lanes are operating properly; manage the Toll Facilities including administrative buildings, plazas, ramps and all lanes; provide janitorial services for all Facilities; oversee security at Facilities; and any other activities required to ensure the proper completion of the requirements in the Scope of Services.

AUTHORITY'S SYSTEM: The Authority's current ETC System has been in operation since 1994 and includes 11 mainline plazas and 47 ramp plazas. There are currently 208 toll-equipped lanes. The system covers facilities located on the Authority's road system, consisting of 92 centerline miles of highway, which includes S.R. 408 (East-West Expressway); S.R. 417 (Central Florida Greene Way); S.R. 528 (Bee Line Expressway); S.R. 429 (Western Expressway); and SR 551 (Goldenrod Extension) in Orange County, Florida. S.R. 429 has four open road toll lanes at the Forest Lake mainline toll plaza, and SR 417 has four open road toll lanes at the University mainline toll plaza.

QUALIFICATION REQUIREMENTS AND RESPONSE EVALUATION: Proposer shall have a minimum of five (5) years experience in providing Toll Operations and Audit or similar type services and operations. Proposers must have experience, knowledge and understanding of all aspects of Electronic Toll Collection Systems, how they operate, their role in managing the facility, collection of tolls, processing of traffic, the audit process, reporting, etc. Proposers must show they have the ability to provide the personnel necessary throughout the duration of the contract and are willing to meet the requirements of the Authority in personnel, performance, training and all other areas mentioned in the RFP.

Proposers that are corporations must be registered to do business in Florida, prior to the submittal of the Proposal. The Authority will evaluate and determine the relative ability of each Proposer to perform the required services based upon the information provided by the Proposer in response to the RFP.

NON-SOLICITATION PROVISION: From the first date of publication of this Notice, no person may contact any Authority Member, Officer, 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 in the RFP.

PROPOSAL DUE DATE: Proposals will be received by the Authority until 3:00 p.m. Orlando local time, on February 15, 2005. Proposals delivered or received after that time and date will be disqualified.

SCOPE OF SERVICES MEETING: The Authority will convene a Pre-Proposal – Scope of Services meeting for interested firms on December 15, 2004. The meeting will begin at 1:30 p.m., Orlando local time, in the Board meeting room at the Authority’s Headquarters office located at 525 South Magnolia Avenue, Orlando, Florida. Attendance at the meeting is mandatory for prime contractors in order to submit a proposal for the project. Proposers are required to have a site visit prior to January 29, 2005.

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, as amended, prohibits discrimination on the basis of race, color, sex, national origin, age, religion and disability. The Authority hereby notifies all Proposers and individuals that it requires and encourages equal employment opportunity for minority and women as employees in the workforce.

MINORITY/WOMEN/DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: The Orlando-Orange County Expressway Authority hereby notifies all Proposers and individuals that it will require affirmative efforts be made to ensure participation of local minority and women business enterprises on contracts awarded by the Authority.

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

Amended Notice for
Request for Proposals
2004-07 for Credit Underwriting, Loan Servicing and
Compliance Monitoring Services

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide Credit Underwriting, Loan Servicing and Compliance Monitoring services to submit proposals for consideration. Written, sealed proposals shall be accepted until 2:00 p.m., Eastern Time, Friday, January 21, 2005, to the attention of Robin Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227

North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Robin Grantham at (850)488-4197 or robin.grantham@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror’s responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/ViewPage.aspx?page=77&p1=1>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

FLORIDA SHERIFFS ASSOCIATION

Invitation to Bid

The Florida Sheriffs Association (FSA) and the Florida Association of Counties (FAC) invites interested bidders to submit bids in accordance with these solicitation documents. The purpose of this solicitation is to establish a contract for the purchase of tires. The technical specifications describe the product in more detail. The contract term is to begin on March 1, 2005, and to end February 28, 2007.

As more specifically stated in the Instructions to Bidders, the following anticipated time line applies to this solicitation:

- BID NUMBER: 05/6-02-0105
- BID TITLE: TIRES AND RELATED SERVICES
- ADVERTISEMENT DATES: NOVEMBER 19, 2004 AND NOVEMBER 24, 2004
- PRE-BID CONFERENCE: NOVEMBER 30, 2004, AT 10:00 A.M.

PRE-BID CONFERENCE TO BE HELD AT:

HILLSBOROUGH COUNTY
SHERIFF’S OFFICE
FLEET FACILITIES
2210 NORTH FALKENBURG
ROAD
TAMPA, FL 32619-0965
(813)247-0031

BID OPENING DATE: JANUARY 10, 2005, at 11:30 A.M.

BID OPENING TO BE HELD AT:

FLORIDA SHERIFFS
ASSOCIATION
COOPERATIVE BID
COORDINATOR’S OFFICE
2617 MAHAN DRIVE
(32308)
P. O. BOX 12519
TALLAHASSEE, FL
32317-2519

BIDS MUST BE CONTAINED IN A SEALED ENVELOPE ADDRESSED TO THE FLORIDA SHERIFFS ASSOCIATION. INDICATE ON THE OUTSIDE OF THE ENVELOPE THE BID NUMBER, TITLE, OPENING DATE AND TIME. ALL BIDS MUST BE RECEIVED ON OR BEFORE THE DATE AND TIME NOTED ABOVE.

ALL QUESTIONS PERTAINING TO THIS BID, SHOULD BE DIRECTED TO LYNN MEEK WITH THE FLORIDA SHERIFFS ASSOCIATION AT (850)877-2165.

LAKE COUNTY

LEGAL PUBLICATION

Sealed responses to the following project shall be received by Lake County, Florida prior to 3:00 p.m. on the date noted at Procurement Services, Lake County Administration Building, 315 West Main, Suite 416, Tavares, Florida 32778-7800. At said time, date and place, responses will be publicly opened and accepted for consideration.

RFP # 05-011

Title: Transportation Operator
for the

Lake County Transportation Disadvantaged Program

Date: December 22, 2002

This Request for Proposal (RFP) is for the provision of Transportation Operator Services for the Lake County Transportation Disadvantaged Program. The goal of this program is to provide transportation to our customers per the Florida Statute, Florida Administrative Code, the Transportation Disadvantaged Service Plan, the System Safety Program Plan and the Federal Transit Administration.

There will be a pre-proposal conference for RFP #05-011 held on December 3, 2004 at 3:00 p.m. at the Lake County Administration Building, 315 West Main Street, 2nd Floor, BCC Chambers, Tavares, Florida to discuss the project.

There will be a fleet inspection on Saturday, December 4, 2004 at 9:00 a.m. at the LifeStream Behavioral Center, located at 2020 Tally Road, Leesburg, Florida.

All interested potential respondents are strongly encouraged to attend both the pre-proposal conference and the fleet inspection.

Firms/individuals desiring to respond to the above noted projects may obtain required submittal documents from the Lake County Web page at http://www.lakegovernment.com/departments/procurement_services/open_bids.aspx. If you have questions or need further assistance, please call the Lake County Office of Procurement Services between 8:30 a.m. and 5:00 p.m., weekdays at (352)343-9839.

Lake County is an Equal Opportunity Employer and will not do business with any firm or individual that in any way, directly or indirectly, discriminates against any person because of age, race, color, disability, sex, national origin or religious creed.

Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations to attend public proposal openings or meetings should contact Procurement Services, (352)343-9839, at least five (5) days prior to the date.

CITY OF FT. LAUDERDALE

NOTICE TO CONTRACTORS

Sealed bids will be received until 9:00 a.m. on Wednesday, December 22, 2004, in the Office of the City Engineer, Public Services Department (Engineering and Architectural Services), City Hall, 100 North Andrews Avenue, 4th Floor, City of Fort Lauderdale, Florida and opened immediately thereafter in the Conference Room, for PROJECT 10671 – HARBOR BEACH WASTEWATER SYSTEM AND WATER MAIN IMPROVEMENTS

This project consists of Drawing File No. WS-03-20 consisting of 76 sheets.

The work includes: installation of approximately 14,000 LF of 6" and 8" replacement water main, approximately 2,700 LF of 4", 6" and 8" force mains, conversion of six (6) existing POT lift stations to submersible wastewater pump stations. Construction areas will require full width roadway repair and resurfacing.

Additionally, the work includes: The rehabilitation of approximately 30,000 linear feet of mainline sewers, laterals, manholes, and lift stations identified in the contract documents by using the cured-in-place pipe method for the sewer pipes and coating compounds systems for the manholes and lift stations. The work includes pre and post television survey, flow bypass, traffic control, site restoration, and related operations resulting in complete and satisfactory rehabilitation of the wastewater collection system in sub-basin D-34.

Bidding blanks may be obtained at the Office of the City Engineer. Plans and specifications are on file in the Office of the City Engineer.

A pre-bid meeting will be held at 2:30 p.m. on December 1, 2004 at the Program Management Team office at 200 North Andrews Avenue, Suite 300 (third floor), Fort Lauderdale, Florida. The pre-bid meeting is recommended, but not mandatory.

It will be the sole responsibility of the bidder to clearly mark bid as such, and ensure that his bid reaches the City prior to the bid opening date and time listed.

A certified check, cashier's check, bank officer's check or bid bond for five percent (5%), made payable to the City of Fort Lauderdale, Florida, shall accompany each proposal.

This project is funded in whole or in part by the Florida Department of Environmental Protection, State Revolving Fund. Bidders are encouraged to become familiar with the provisions of the Supplementary Conditions contained in these documents and in particular the requirements of Article 20, Equal Employment Opportunity.

The City of Fort Lauderdale reserves the right to waive any informality in any bid and to reject any or all bids. Information on bid results and projects currently out to bid can be obtained by calling the pre-recorded City of Fort Lauderdale Bid Information Line, (954)828-5688. For general inquiries – please call (954)828-5772.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

**EMERGENCY MANAGEMENT PREPAREDNESS
AND ASSISTANCE COMPETITIVE
GRANT PROGRAM**

The Department of Community Affairs hereby gives notice of its intent to open the Fiscal Year 2005-2006 cycle for competitive awards from the Emergency Management, Preparedness and Assistance (EMPA) Trust Fund. Contingent on a Legislative appropriation, funds provided under the Fiscal Year 2005-2006 cycle will be available to eligible recipients no earlier than July 1, 2005.

As the State of Florida has endured numerous and devastating storms during the summer months, the usual calendar of events will not be followed for the 2005-2006 funding cycle. For this reason, the Department of Community Affairs, Division of Emergency Management has developed a plan for the use of funds that are appropriated for the 2005-2006 cycle. Projects not funded under the 2004-2005 funding cycle will be funded in order of scores to the extent of available funding. These applicants need not take any further action to receive this funding.

Due to the uncertainty of the Fiscal Year 2005-2006 legislative appropriation, the amount of funds available for this program cannot be determined at this time. As soon as the appropriation level is approved, notification of these funds and the names of eligible recipients will be posted on our website at <http://www.floridadisaster.org/cps/grants.htm>.

**RESIDENTIAL CONSTRUCTION MITIGATION
PROGRAM
COMPETITIVE GRANT PROGRAM**

The Department of Community Affairs is providing you with notification of its intent to open the Fiscal Year 2004-2005 and 2005-2006 application cycle for competitive awards from the Residential Construction Mitigation Program. Funding for 2005-2006 is dependent upon Legislative appropriation for that year.

Due to the uncertainty of the Fiscal Year 2005-2006 Legislative Appropriations, the amount of funds available for this program cannot be determined at this time. Any awards for FY 2005-2006 will be contingent upon legislative appropriation.

Awards will be in two segments; SFY 2004-2005 and SFY 2005-2006. Projects may be for just one year or for two. Multi-year projects should be segmented so as to allow for the legislative appropriation process.

The RCMP provides competitive grants to state or regional agencies, local governments, and private non-profit/for profit (by RFP process) organizations to implement projects that will further the RCMP program objective of enhancing residential wind mitigation. Eligible applicants may submit multiple applications, however, no single application shall seek or receive an award in excess of \$200,000. All eligible applicants, with the exception of counties and state agencies shall be limited to no more than three (3) application submissions in an application cycle.

The Department encourages all interested and eligible parties with projects that will enhance wind mitigation capabilities within the State of Florida to apply for awards during this open period in the following six categories.

APPLICATION CATEGORIES:

Applications are accepted in the following six categories:

1. Projects that will promote public education on wind mitigation and wind mitigation areas.
2. Projects that encourage and/or increase integration of wind mitigation into comprehensive planning and local mitigation plans.
3. Projects that will promote market based, non-regulatory approaches to mitigation, including, but not limited to, training in regard to wind mitigation (construction) techniques, products and procedures.
4. Assistance to low and moderate income residents which promotes wind mitigation.
5. Projects which enhance program administration and identification, measurement and attainment of project goals.
6. Other projects that will further wind mitigation/RCMP objectives which have been designated by the Program as priorities as detailed in this Notice of Fund Availability/RFP. Priority points will be awarded only for projects that address the following priority areas.

Priority Areas:

- A) Projects which implement wind mitigation in the Local Mitigation Strategy and are clearly identified as projects which can be initiated and completed within the grant contract period. The applicant must provide a copy of the Local Mitigation Strategy priority initiative list reflecting inclusion of their project(s).
- B) Projects which will provide for product testing, measurement or enhancements which will improve wind mitigation in residential structures.
- C) Projects that will address effectiveness of wind mitigation programs, projects and measures as related to hurricanes Charley, Frances, Ivan, Jeanne and related or subsequent wind events.

Applications addressing the above (A through C) priorities must be submitted under Project Category #6, "Other projects that will further wind mitigation/RCMP objectives which have been designated by the RCMP program as priorities in this Notice of Fund Availability".

TO DOWNLOAD Section 215.559, F.S., APPLICATION PACKET AND related information please visit our website at <http://www.floridadisaster.org/brm/rcmp/index.htm>.

Applications must be prepared in conformance with the application packet instructions. Applications must be received at the following address by December 27, 2004, no later than 4:00 p.m., Eastern Standard Time:

Department of Community Affairs
Division of Emergency Management
Attention: RCMP
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Notice of Funding Availability

The Department of Community Affairs, Division of Emergency Management (DEM) is pleased to announce the availability of Hazard Mitigation Grant Program (HMGP) funds as a result of the recent Presidential Disaster Declarations (FEMA-1539, 1545, 1551, 1561 DR-FL). The HMGP is authorized by Section 404 of the Robert T. Stafford Disaster Relief Act and is designed to assist communities in implementing mitigation measures intended to reduce or eliminate long-term risk to people and property from natural hazards and their effects. DEM is soliciting applications and encourages all eligible applicants to identify and submit applications that address eligible mitigation activities designed to reduce a community's overall risk to hazards. The amount of funding available to the state is based on 7.5% of the total federal disaster assistance for these events. The application cycle will begin (open) on November 19, 2004 and close (end) April 15, 2005. Therefore, all applications must be postmarked by April 15, 2005. The Department encourages and welcomes the submittal of completed applications at anytime during this cycle.

Application Timeline

The deadline for the submission of applications for HMGP funds is April 15, 2005 (postmarked). Applications will only be accepted from eligible applicants as defined below. Applications must be submitted on forms required by and in the format specified in Rule Chapter 9G-22, Florida Administrative Code. Please provide four completed copies of the State of Florida Joint Hazard Mitigation and Flood Mitigation Assistance Application and all appropriate attachments, which may be obtained at the DEM website located at <http://www.floridadisaster.org>.

Alternatively, you may contact DEM directly, (850)922-5944. In order to be considered, completed applications must be sent to the following address:

FEMA/State of Florida Disaster Field Office
Mitigation Section
100 Sunport Lane
Orlando, Florida 32809
Attn.: Leroy Thompson

NFIP Participation: All applicants must be in a National Flood Insurance Program (NFIP) participating community, if a community has been identified through the NFIP as having Special Flood Hazard Areas. In addition, the community must not be on probation, suspended or withdrawn from the NFIP. For more information see the State of Florida NFIP Community Status Report at: <http://www.dca.state.fl.us/brm>.

Minimum Program Eligibility

Eligible applicants are local governments, state agencies, federally recognized Indian Tribal governments and private non-profit organizations and institutions. Eligible activities include mitigation projects that will result in protection of public or private property from natural hazards. Eligible projects include:

- Acquisition of hazard prone properties
- Retrofitting of existing buildings and facilities
- Elevation of flood prone structures
- Infrastructure protection measures
- Storm water management improvements
- Minor structural flood control projects
- Relocation of structures from hazard prone areas
- Retrofitting of existing buildings and facilities for shelters

The State will not consider funding request for:

- Generators-unless they are an integral part of a larger eligible project
- Construction of new facilities. However, the cost associated with the above code upgrades can be considered.
- Equipment such as emergency pumps, vehicles and communication devices.
- Tree removal.

All projects submitted must meet the following minimum criteria to be considered for funding:

- Conform with the State Mitigation Plan and the respective community's Local Mitigation Strategy;
- Demonstrate cost-effectiveness;
- Is technically feasible;
- Provide a beneficial impact upon the designated disaster area;
- Conform to all applicable environmental laws, and regulations and executive orders;
- Solve a problem independently or constitutes a functional part of a solution;
- Is in an NFIP participating community that is not on probation or have been suspended from the NFIP; and
- Meet all applicable state and local codes and standards.

Cost-Share Requirements

Under the HMGP, FEMA will contribute up to 75 percent (75%) of the total amount approved under the grant award to implement eligible cost-effective mitigation measures. The applicant must provide the remaining 25 percent (25%) non-federal share. All contributions, cash or in-kind services, are acceptable as part of the non-federal share. Requirements for in-kind contributions can be found in 44 Code Federal Regulations, Section 13.24. In-kind contributions must be directly related to the eligible project cost. In-kind resources are those personnel, materials, equipment and supplies owned, controlled and operated by the applicant or a third party contributor. Applicants are encouraged to link HMGP funds with other state, local and private sources.

Local Mitigation Strategy

The Department of Community Affairs encourages local mitigation planning. HMGP funding is available to only those counties that have completed and submitted to the Department a Local Mitigation Strategy (LMS). Project applications will be considered only if:

- (1) The application is accompanied by an endorsement by the LMS Chairperson or Vice-Chairperson stating that the project is included in the current LMS; and
- (2) If more than one project is submitted, the endorsement indicates the priority in which the project is to be funded.

The Department shall attempt to fund each submitted project in priority order until the county’s allocation has been exhausted. However, any allocation remaining after all eligible projects in any declared county are funded shall be re-allocated to those counties included in the relevant disaster declaration whose allocation was not sufficient to fund all submitted eligible projects in proportion to each county’s share of unfunded projects.

Technical Assistance

DEM is in the process of scheduling a series of 7 regional HMGP application development workshops throughout the state. The date, time, location and a short overview of the workshops will be posted on the DEM website: www.floridadisaster.org. Additionally, DEM will provide technical assistance to applicants throughout the application process by answering questions about the HMGP, the application process, Benefit Cost Analysis, Engineering Feasibility and Environmental/Historical Preservation Compliance. If there are any questions regarding the application process or the project review and selection criteria, please call Kathleen Marshall, (850)922-5944.

DCA Order No. DCA04-OR-220

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA,
VILLAGE OF ISLANDS
ORDINANCE NO. 04-10

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 September 28, 2004, the Department received for review Islamorada, Village of Islands Ordinance No. 04-10 which was adopted by the Village Council on September 23, 2004 (“Ord. 04-10”). The purpose of Ord. 04-10 is to provide for a moratorium on the redevelopment of mobile home parks in order to allow sufficient time for the Village to develop an accurate inventory of affordable dwelling units, other related comprehensive plan policies and land development regulations, to facilitate logical and considered growth, and as a means of avoiding inefficient and ill-conceived development.
- 3. Ord. 04-10 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. 04-10 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. 04-10 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.

(b) To ensure the maximum well being of the Florida Keys and its citizens through sound economic development.

(c) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

(d) 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. 04-10 is not inconsistent with the remaining Principles. Ord. 04-10 is consistent with the Principles for Guiding Development as a whole in that it protects the existing stock of workforce and affordable housing.

WHEREFORE, IT IS ORDERED that Ord. 04-10 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

 Valerie J. Hubbard, Director
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE

PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 10th day of November, 2004.

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, FL 33312-8500

By Hand Delivery or Interagency Mail:

Rebecca Jetton, ACSC Administrator
Richard E. Shine, Assistant General Counsel

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to Section 380.06(4)(a), Florida Statutes.

FILE NO.: BLIVR-805-002
DATE RECEIVED: November 15, 2004
DEVELOPMENT NAME: TAMPA GENERAL HOSPITAL
DEVELOPER/AGENT: Tampa General Hospital
DEVELOPMENT TYPE: 28-24.017, F.A.C.
LOCAL GOVERNMENT: Tampa City

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, Genuine Scooter Company, LLC, intends to allow the establishment of Surfside Scooters, as a dealership for the sale of Stella motor scooters, at 524A Northlake Boulevard, West Palm Beach (Palm Beach County), Florida 33408, on or after December 1, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Surfside Scooters are dealer operator: Peter D. Williams, 524A Northlake Boulevard, West Palm Beach, Florida 33408; principal investor(s): Peter D. Williams, 524A Northlake Boulevard, West Palm Beach, Florida 33408.

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: Jim Kolbe, Sr. Vice President, Genuine Scooters, LLC., 5400 Damen Avenue, Chicago, Illinois 60625.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Mod Cycles Corp, intends to allow the establishment of TBS Racing Inc., as a dealership for the sale of Yumbo (Road Power 125cc, F3000 125cc, Dakar 150, Dakar 200, C110, C200) and Baccio (VX 150), at 5632 Edgewater Drive, Orlando (Orange County), Florida, on or after September 10, 2004.

The name and address of the dealer operator(s) and principal investor(s) of TBS Racing Inc., are dealer operator: Mark McIntyre, 5632 Edgewater Drive, Orlando, Florida 32810; principal investor(s): Mark McIntyre, 5632 Edgewater Drive, Orlando, Florida 32810.

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: Roberto Orenstein, Sales manager, Mod Cycles Corp., 7547 N. W. 52nd Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Buell Motorcycle Company, intends to allow the establishment of Harley-Davidson of Lakeland, Inc., d/b/a Ridge Buell Shop, as a dealership for the sale Buell motorcycles, at 1551 Longleaf Blvd., Lake Wales (Polk County), Florida 33859, on or after December 31, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Harley-Davidson of Lakeland, Inc., d/b/a Ridge Buell Shop are dealer operator: Donald Huffman, 104 Kenilwood Lane, Lakeland, FL 33809; principal

investor(s): Janice Huffman, 104 Kenilwood Lane, Lakeland, FL 33809 and William Monts de Oca, 3882 Marquise Lane, Mulberry, FL 33860.

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: Anne Arroyo, Regional Dealer Development Representative, Buell Motorcycle Company, 3700 West Juneau Avenue, Milwaukee, WI 53201.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Harley-Davidson Motor Company, intends to allow the establishment of Harley-Davidson of Lakeland, Inc., d/b/a Ridge Harley-Davidson Shop, as a dealership for the sale Harley-Davidson motorcycles, at 1551 Longleaf Blvd., Lake Wales (Polk County), Florida 33859, on or after December 31, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Harley-Davidson of Lakeland, Inc., d/b/a Ridge Harley-Davidson Shop are dealer operator: Donald Huffman, 104 Kenilwood Lane, Lakeland, FL 33809; principal investor(s): Janice Huffman, 104 Kenilwood Lane, Lakeland, FL 33809 and William Monts de Oca, 3882 Marquise Lane, Mulberry, FL 33860.

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: Anne Arroyo, Regional Dealer Development Representative, Harley-Davidson Motor Company, 3700 West Juneau Avenue, Milwaukee, WI 53201.

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 the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that General Motors Corporation, intends to allow the relocation of Williamson Saturn of Miami Lakes, Inc., d/b/a Hummer of Miami Lakes, as a dealership for the sale of Hummer motor vehicles, from its present location at 6200 N. W. 167th Street, Miami Lakes, Florida 33014, to a proposed location at 300 South University Drive, Pembroke Pines (Broward County), Florida 33025, on or after November 30, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Williamson Saturn of Miami Lakes, Inc., d/b/a Hummer of Miami Lakes are dealer operator: George E. Williamson II, 6200 N. W. 167th Street, Miami Lakes, Florida 33014; principal investor(s): George E. Williamson II, 6200 N. W. 167th Street, Miami Lakes, Florida 33014; Motors Holding Division, 100 Renaissance Center, Detroit, Michigan 48266-1000. The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: William A. Affeldt, General Motors Corporation, MC 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 relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Cross Lander U.S.A., intends to allow the establishment of Greenwood Chevrolet-Oldsmobile, as a dealership for the sale of Cross Lander vehicles, at 205 N. Charleston Avenue, Fort Meade (Polk County), Florida 33841, on or after October 24, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Greenwood Chevrolet-Oldsmobile are dealer operator: Robert Elliott, Greenwood Chevrolet 205 N. Charleston Avenue, Ft. Meade, Florida 33841; principal investor(s): Robert Elliott, Greenwood Chevrolet, 205 N. Charleston Avenue, Ft. Meade, Florida 33841.

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 D. Goetze, General Manager, Cross Lander U.S.A., Miami Office, 3575 N. W. 82nd Avenue, Miami, Florida 33122.

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."

LAND AND WATER ADJUDICATORY COMMISSION

NOTICE OF RECEIPT OF PETITION

On August 29, 2004, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a petition to establish the Hawk's Haven Community Development District (the "District"). The Commission will follow the requirements of Chapter 42-1, Florida Administrative Code (F.A.C.), as amended, and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition.

SUMMARY OF CONTENTS OF PETITION: The petition filed by Hawk's Haven Developers, LLC, requests the Commission to establish a community development district located within the unincorporated area of Lee County, Florida. The land area proposed to be served by the District comprises approximately 1,926 acres. A general location map is contained as Exhibit A to the petition to establish the District. The following real property is located within the external boundaries of the District and is to be excluded from the District:

- Parcel A Address: 2971 Hickey Creek Road, Alva, Florida 33920
Parcel ID: 25-43-26-00-00122.0000
(approximately 29.6 acres)
- Parcel B Address: 2920 Hickey Creek Road, Alva, Florida 33920
Parcel ID: 26-43-26-00-00010.0000
(approximately 15 acres)
- Parcel C Address: 15180 Palm Beach Boulevard
Parcel ID: 27-43-26-00-00004.0000
(approximately 10 acres)

Petitioner either owns or has written consent to establish the District from the owners of one hundred percent (100%) of the land within the proposed District. The District, if established, currently intends to participate in the provision of certain community facilities and services to the property in the District to include, public roads, water and wastewater irrigation, surface water management, landscape and hardscape, and park and recreational facilities.

SUMMARY OF ESTIMATED REGULATORY COSTS: In association with the Petition, the Petitioner has caused a Statement of Estimated Regulatory Costs ("SERC") to be prepared in compliance with Section 120.541, Florida Statutes. The complete text of the SERC (as amended) is contained at Exhibit "H" to the Petition. The SERC (as amended) estimates

that the principal individuals and entities likely to be required to comply with the rule are the State of Florida and its residents, Lee County and its residents, current property owners, and future property owners within the District. The SERC (as amended) indicates that the costs to state governmental entities to review and enforce the rule will be modest. Costs to Lee County are offset by the required filing fee paid to Lee County by the Petitioner. The proposed District will incur costs associated with its administration and management which will be offset by assessments to be imposed by the District. With respect to an estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the rule, the SERC (as amended) provides that the District plans to provide certain community facilities and services to the property in the District. According to the SERC (as amended) the District plans to fund, own, operate and maintain park and recreational facilities, landscape and hardscape, and surface water management. The District will fund and construct the water and wastewater irrigation and the District will dedicate same to Lee County. The District will also fund roads and street lighting for which ownership, operation and maintenance will be shared by Lee County and the District. The District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. The SERC (as amended) concludes that the proposed District will not create any significant economic costs for the State of Florida or for Lee County, and approval of the District will not have any negative effect on state revenues. Finally, the SERC (as amended) concludes that the District should have a positive impact on small businesses or the local economy and will not have a negative impact on small cities or counties. Lee County is not a "small" county as defined by Section 120.52, Florida Statutes. The data utilized in the SERC (as amended) was provided by the developer/petitioner and represents the best information available.

A LOCAL HEARING WAS HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, November 2, 2004, 10:30 a.m.
PLACE: Lee County Old Courthouse, East Room, 2120 Main Street, Fort Myers, Florida

The Commission shall file this notice with the Division of Administrative Hearings so that the Division of Administrative Hearings can afford interested individuals an opportunity to

submit additional evidence into the record relative to the establishment of the Hawk’s Haven Community Development District.

Pursuant to Section 190.005(1)(d), Florida Statutes, the Petitioner published notices of the public hearing once a week for 4 successive weeks immediately prior to the hearing.

Copies of the petition may be obtained by contacting: Tracy J. Robin, Straley Robin & Williams, 100 E. Madison Street, Suite 300, Tampa, Florida 33602, Telephone (813)223-9400 or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, Telephone (850)487-1884.

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED

GRACE PERIOD LETTERS OF INTENT

The Agency for Health Care Administration received and accepted the following letters of intent for the November 24, 2004 application filing date for Other Beds and Programs batching cycle:

County: Pinellas District: 5
 Date Filed: 11/10/2004 LOI #: N0410021
 Facility/Project: St. Anthony’s Hospital
 Applicant: St. Anthony’s Hospital, Inc.
 Project Description: Establish an adult open heart surgery program

County: Pinellas District: 5
 Date Filed: 11/10/2004 LOI #: N0410022
 Facility/Project: Springs at Boca Ciega Bay
 Applicant: Boca Ciega Investors, LLC
 Project Description: Add 12 community skilled nursing beds through the delicensure of 12 of the 72 community skilled nursing beds at Westminster Shores

County: Pinellas District: 5
 Date Filed: 11/2/2004 LOI #: N0410023
 Facility/Project: Eastlake Rehab & Care Center, LLC
 Applicant: Eastlake Rehab & Care Center, LLC
 Project Description: Establish a 60-bed community skilled nursing facility through the delicensure of 60 of the 72 community skilled nursing beds at Westminster Shores

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after December 29, 2004, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on December 10, 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

On November 16, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Robert S. Smith, D.O., license number OS 6939 This Modified Emergency Restriction Order was predicated upon the Secretary’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 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 of Gayatri Govinda, L.P.N., license number PN 5145240 This Emergency Suspension Order was predicated upon the Secretary’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 16, 2004 John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Elliott Wilson Gore, L.P.N., license number PN 1215751 This Emergency Suspension Order was predicated upon the Secretary’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 12, 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 Michael Scott Latterman, D.O., license number OS 4416 This Emergency Suspension Order was predicated upon the Secretary’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 9, 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 Mitchell Thomas Stratton, R.N., license number RN 2851392 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.

**NOTICE OF THE AVAILABILITY OF THE
FLORIDA EMERGENCY MEDICAL SERVICES
MATCHING GRANT PROGRAM –
APPLICATION PACKAGE**

NAME OF AGENCY: Florida Department of Health
GRANT TITLE: Florida Emergency Medical Services Matching Grant
PURPOSE AND EFFECT: Department of Health is mandated by Chapter 401, Part II, Florida Statutes, (F.S.), to provide grants for prehospital Emergency Medical Services in Florida.
MATCHING REQUIREMENT: Applicants must fund twenty-five percent of the costs of approved projects and the Department of Health will provide seventy-five percent.
AUTHORITY: Section 401.113, F.S.
ELIGIBILITY: Public and private organizations involved in emergency medical services are eligible for funds.
TO OBTAIN AN APPLICATION PACKAGE: Application packages may be requested by telephone, facsimile transmission (Fax), in-person or by mail.
 Telephone (850)245-4440, Extensions 2782, 2737 or 2734.
 Fax (850)245-4385 or (850)487-2911. Mark on the fax “Request for Matching Grant Package.” Website link: <http://www.doh.state.fl.us/workforce/ems1/Grants/Grants.htm>.
 Mail requests for application packages to:
 Bureau of Emergency Medical Services
 Department of Health
 4052 Bald Cypress Way, Bin #C18
 Tallahassee, FL 32399-1738

Pick up application packages in person at:
 Bureau of Emergency Medical Services
 Department of Health
 4025 Esplanade Way, 3rd Floor
 Tallahassee, Florida 32311-7829

HOW TO SUBMIT COMPLETED APPLICATIONS: Mail or hand-deliver signed and completed original application(s) and required copies to the preceding mail or physical address. No faxes or electronic submissions will be accepted. Each completed application including copies must be in a separate envelope marked, “EMS MATCHING GRANT APPLICATION” in bold lettering. Do not place any other correspondence intended for the Bureau in this envelope.

DEADLINE: Completed signed original applications and the required number of completed copies must be received by the Bureau of Emergency Medical Services no later than 5:00 p.m. (Eastern Standard Time) February 11, 2005. Applications received after this deadline, regardless of postmark, will be returned to the sender unopened.

APPLICATION PACKAGE OPENING: Department of Health staff will open packages, log in, and count the copies of applications as they are received.

NUMBER OF COPIES: Applicants must submit a signed original plus ten copies of the Department of Health application.

RIGHT TO REJECT: Department of Health reserves the right to reject any and all applications it determines are not in the best interest of the state.

CONTACT PERSONS: Ed Wilson, e-mail: Ed_Wilson@doh.state.fl.us or Alan Van Lewen, Alan_VanLewen@doh.state.fl.us, (850)245-4440, Extensions 2737 or 2734, respectively.

P. O. # DO29262

**NOTICE OF THE AVAILABILITY OF THE RURAL
FLORIDA EMERGENCY MEDICAL SERVICES
MATCHING GRANT PROGRAM – APPLICATION
PACKAGE**

NAME OF AGENCY: Florida Department of Health
GRANT TITLE: Florida Emergency Medical Services Rural Matching Grant
PURPOSE AND EFFECT: Department of Health is mandated by Chapter 401, Part II, Florida Statutes, (F.S.), to provide grants for prehospital Emergency Medical Services in Florida.
MATCHING REQUIREMENT: Applicants must fund ten percent of the costs of approved projects and the Department of Health will provide ninety percent.
AUTHORITY: Section 401.113, F.S.
ELIGIBILITY: Public and private organizations involved in emergency medical services and based in counties with a population of 100,000 or fewer and less than 100 people per square mile are eligible for funds.

TO OBTAIN AN APPLICATION PACKAGE: Application packages may be requested by telephone, facsimile transmission (Fax), in-person or by mail.

Telephone (850)245-4440, Extensions 2782, 2737 or 2734.

Fax (850)245-4385 or (850)487-2911. Mark on the fax "Request for Rural Matching Grant Package."

Website link: <http://www9.myflorida.com/workforce/ems1/Grants/Grants.htm>.

Mail requests for application packages to:

Bureau of Emergency Medical Services
Department of Health
4052 Bald Cypress Way, Bin #C18
Tallahassee, FL 32399-1738

Pick up application packages in person at:

Bureau of Emergency Medical Services
Department of Health
4025 Esplanade Way, 3rd Floor
Tallahassee, Florida 32311-7829

HOW TO SUBMIT COMPLETED APPLICATIONS: Mail or hand-deliver signed and completed original application(s) and required copies to the preceding mail or physical address. No faxes or electronic submissions will be accepted. Each completed application including copies must be in a separate envelope marked, "EMS RURAL MATCHING GRANT APPLICATION" in bold lettering. Do not place any other correspondence intended for the Bureau in this envelope.

DEADLINE: Completed signed original applications and the required number of completed copies must be received by the Bureau of Emergency Medical Services no later than 5:00 p.m. (Eastern Standard Time) February 11, 2005. Applications received after this deadline, regardless of postmark, will be returned to the sender unopened.

APPLICATION PACKAGE OPENING: Department of Health staff will open packages, log in, and count the copies of applications as they are received.

NUMBER OF COPIES: Applicants must submit a signed original plus four copies of the Department of Health application.

RIGHT TO REJECT: Department of Health reserves the right to reject any and all applications it determines are not in the best interest of the state.

CONTACT PERSON: Ed Wilson, e-mail: Ed_Wilson@doh.state.fl.us or telephone (850)245-4440, Extension 2737.

P. O. # DO29262

DEPARTMENT OF FINANCIAL SERVICES

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that on November 17, 2004, the State of Florida Office of Financial Regulation issued a Notice of Intent to Enter a Final Order Approving Recovery from the Securities Guaranty Fund in Administrative Proceeding No. J 0094-S-2/04 to Medallion Equities, Inc. (CRD #43399), a dissolved State of Florida corporation, and Anthony V. Micciche (CRD #501181), an individual. 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
Office of Financial Institutions
and Securities Regulation
Suite 526, Fletcher Building
200 East Gaines Street
Tallahassee, Florida 32399-0379

FAILURE TO FILE A TIMELY 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 OF FINANCIAL REGULATION WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

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, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., December 17, 2004):

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: Biscayne Bank of Florida, 3121 Commodore Plaza, Miami, Dade County, Florida 33143
Correspondent: Thomas D. Lumpkin, II, 2655 S. Le Jeune Road, Fifth Floor, Coral Gables, Florida 33134
Received: November 4, 2004

Applicant and Proposed Location: Paradise Bank, 2420 North Federal Highway, Boca Raton, Palm Beach County, Florida 33431

Correspondent: Ward Kellogg, 2200 North Federal Highway, Suite 202, Boca Raton, Florida 33431
Received: November 8, 2004

APPLICATION FOR AUTHORITY TO EXERCISE TRUST POWERS

Applicant and Location: Hancock Bank of Florida, Tallahassee, Florida 32301
Received: November 8, 2004

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: TransAtlantic Bank, Miami, Florida
Proposed Purchaser: The See Trust, Evan R. Marbin, Trustee, Miami, Florida
Received: November 9, 2004

Financial Institution to be Acquired: Union Bank of Florida, Lauderhill, Florida
Proposed Purchaser: The Colonial BancGroup, Inc., Montgomery, Alabama
Received: November 10, 2004

APPLICATION FOR AN INTERNATIONAL AGENCY OFFICE

Application and Location: R-G Premier Bank of Puerto Rico, Hato Rey, Puerto Rico, 00919
Proposed Florida Location: 1398 East State Road 436, Suite 200, Casselberry, Florida 32707
Received: November 12, 2004

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.

Name and Address of Applicant: FOCUS Credit Union, Post Office Box 835, Chattahoochee, Florida 32324-0835
Expansion Includes: Two select employee groups.
Received: November 4, 2004

Name and Address of Applicant: Florida United Methodist Credit Union, Post Office Box 3767, Lakeland, Florida 33802-3767
Expansion Includes: Students and alumni of Florida Southern College.
Received: November 8, 2004

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN November 8, 2004
 and November 12, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

9B-60.002	11/8/04	11/28/04	30/34	
9B-60.003	11/8/04	11/28/04	30/34	
9B-60.004	11/8/04	11/28/04	30/34	
9B-60.005	11/8/04	11/28/04	30/34	
9B-60.008	11/8/04	11/28/04	30/34	

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission

11B-14.001	11/10/04	11/30/04	30/36	
11B-14.002	11/10/04	11/30/04	30/36	
11B-14.003	11/10/04	11/30/04	30/36	
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11B-18.003	11/10/04	11/30/04	30/36	
11B-18.004	11/10/04	11/30/04	30/36	
11B-18.005	11/10/04	11/30/04	30/36	
11B-18.0052	11/10/04	11/30/04	30/36	
11B-18.0053	11/10/04	11/30/04	30/36	
11B-18.0071	11/10/04	11/30/04	30/36	
11B-18.008	11/10/04	11/30/04	30/36	
11B-18.010	11/10/04	11/30/04	30/36	
11B-20.001	11/10/04	11/30/04	30/39	
11B-20.0012	11/10/04	11/30/04	30/39	
11B-20.0013	11/10/04	11/30/04	30/39	
11B-20.0014	11/10/04	11/30/04	30/39	
11B-20.0016	11/10/04	11/30/04	30/39	
11B-20.0017	11/10/04	11/30/04	30/39	
11B-21.001	11/10/04	11/30/04	30/39	
11B-21.002	11/10/04	11/30/04	30/39	
11B-21.005	11/10/04	11/30/04	30/39	
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11B-21.018	11/10/04	11/30/04	30/39	
11B-21.019	11/10/04	11/30/04	30/39	
11B-27.0011	11/10/04	11/30/04	30/39	
11B-27.002	11/10/04	11/30/04	30/39	
11B-27.0021	11/10/04	11/30/04	30/39	
11B-27.00211	11/10/04	11/30/04	30/39	
11B-27.00212	11/10/04	11/30/04	30/39	
11B-27.00213	11/10/04	11/30/04	30/39	
11B-27.0022	11/10/04	11/30/04	30/39	
11B-27.00225	11/10/04	11/30/04	30/39	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
11B-27.003	11/10/04	11/30/04	30/39	
11B-27.004	11/10/04	11/30/04	30/39	
11B-27.005	11/10/04	11/30/04	30/39	
11B-27.013	11/10/04	11/30/04	30/39	
11B-30.006	11/10/04	11/30/04	30/39	
11B-30.0062	11/10/04	11/30/04	30/39	
11B-30.0063	11/10/04	11/30/04	30/39	
11B-30.007	11/10/04	11/30/04	30/39	
11B-30.0071	11/10/04	11/30/04	30/39	
11B-30.008	11/10/04	11/30/04	30/39	
11B-30.009	11/10/04	11/30/04	30/39	
11B-30.011	11/10/04	11/30/04	30/39	
11B-30.012	11/10/04	11/30/04	30/39	
11B-35.001	11/10/04	11/30/04	30/39	
11B-35.0011	11/10/04	11/30/04	30/39	
11B-35.002	11/10/04	11/30/04	30/39	
11B-35.0021	11/10/04	11/30/04	30/39	
11B-35.0023	11/10/04	11/30/04	30/39	
11B-35.0024	11/10/04	11/30/04	30/39	
11B-35.003	11/10/04	11/30/04	30/39	
11B-35.004	11/10/04	11/30/04	30/39	
11B-35.006	11/10/04	11/30/04	30/39	
11B-35.007	11/10/04	11/30/04	30/39	
11B-35.0085	11/10/04	11/30/04	30/39	
11B-35.009	11/10/04	11/30/04	30/39	

Division of Criminal Justice Information Systems

11C-6.010	11/10/04	11/30/04	30/36	
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Medical Examiners Commission

11G-2.004	11/10/04	11/30/04	30/39	
11G-2.006	11/10/04	11/30/04	30/39	

DEPARTMENT OF TRANSPORTATION

14-85.004	11/10/04	11/30/04	30/33	30/42
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DEPARTMENT OF CORRECTIONS

33-302.111	11/12/04	12/2/04	30/36	30/42
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DEPARTMENT OF LOTTERY

53-17.001	11/9/04	11/29/04	30/38	
53-17.002	11/9/04	11/29/04	30/38	

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Program Office

59G-4.160	11/8/04	11/28/04	30/33	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION				
Division of Florida Land Sales, Condominiums and Mobile Homes				
61B-23.002	11/10/04	11/30/04	30/41	
61B-78.001	11/10/04	11/30/04	30/41	

Board of Professional Engineers				
61G15-35.003	11/9/04	11/29/04	30/34	

DEPARTMENT OF ENVIRONMENTAL PROTECTION				
62-550.102	11/8/04	11/28/04	30/41	
62-550.200	11/8/04	11/28/04	30/41	
62-550.310	11/8/04	11/28/04	30/41	
62-550.340	11/8/04	11/28/04	30/41	
62-550.500	11/8/04	11/28/04	30/41	
62-550.511	11/8/04	11/28/04	30/41	
62-550.514	11/8/04	11/28/04	30/41	
62-550.516	11/8/04	11/28/04	30/41	
62-550.518	11/8/04	11/28/04	30/41	
62-550.519	11/8/04	11/28/04	30/41	
62-550.520	11/8/04	11/28/04	30/41	
62-550.540	11/8/04	11/28/04	30/41	
62-550.550	11/8/04	11/28/04	30/41	
62-550.720	11/8/04	11/28/04	30/41	
62-550.730	11/8/04	11/28/04	30/41	
62-550.821	11/8/04	11/28/04	30/41	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
DEPARTMENT OF HEALTH				
Board of Pharmacy				
64B16-28.141	11/9/04	11/29/04	30/36	
64B16-28.503	11/9/04	11/29/04	30/36	
64B16-28.606	11/9/04	11/29/04	30/36	

Board of Speech-Language Pathology and Audiology				
64B20-7.007	11/10/04	11/30/04	30/39	

DEPARTMENT OF FINANCIAL SERVICES				
Division of State Fire Marshal				
69A-60.002	11/8/04	11/28/04	30/20	
69A-60.003	11/8/04	11/28/04	30/20	
69A-60.004	11/8/04	11/28/04	30/20	
69A-60.005	11/8/04	11/28/04	30/20	30/39
69A-60.007	11/8/04	11/28/04	30/20	30/39
69A-60.008	11/8/04	11/28/04	30/20	