

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Entomology –Pest Control Regulations

RULE CHAPTER NO.: 5E-14

RULE TITLES: Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood-Destroying Organisms

5E-14.105

Responsibilities and Duties – Records, Reports, Advertising, Applications

RULE NOS.: 5E-14.142

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add amendments to the rule establishing requirements for contracts offered by pest control companies to homeowners upon treatment of properties for wood destroying organisms.

SUBJECT AREA TO BE ADDRESSED: Wood Destroying Organism contracts.

SPECIFIC AUTHORITY: 482.051, 482.163, 482.165 FS.

LAW IMPLEMENTED: 482.051, 482.161, 482.163, 482.227 FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m., January 10, 2005

PLACE: Room 204, Ft. Lauderdale Research and Education Center, 3205 College Avenue, Ft. Lauderdale, Florida 33314, (954)577-6300

TIME AND DATE: 10:00 a.m. – 3:00 p.m., January 11, 2005

PLACE: Auditorium of the Florida Research and Education Center, 2725 Binion Road, Apopka, Florida 32703, (407)884-2034

TIME AND DATE: 10:00 a.m. – 3:00 p.m., January 12, 2005

PLACE: The Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399, (850)488-7447

NOTE: These workshops will be combined with workshops for Rule 5E-14.149, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Steve Dwinell, Assistant Director, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, FL 32311

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.105 Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood-Destroying Organisms.

(1) No change.

(2) Such contract or an exact facsimile thereof must be given to the property owner or his authorized agent for acceptance or rejection before any portion of the work is done and before payment, in part or in full, is received by the licensee. The contract shall clearly set forth the following information:

(a) through (d) No change.

(e) The complete common name(s) of the wood-destroying organism(s) to be controlled or for which preventive treatment is intended under the contract. If termites are to be controlled or preventive treatment applied for termites, the contract must clearly state on the first page if the contract covers subterranean termites, dry wood termites, or both, or any other type of termite.

(f) through (k) No change.

(3) No change.

(4) In contracts covering spot treatments for wood-destroying organism(s), the requirements of subsections 5E-14.105(1) and (2), F.A.C. shall apply. In addition to these, specific areas in, on or under the structure to be treated shall be listed in the written contract- and a statement that a spot treatment only was performed shall be made on the treatment sticker posted as required by Section 482.226(5), Florida Statutes.

(5) through (7) No change.

(8) Each licensee shall comply with the terms of each pest control contract it issues. Unless otherwise clearly stated in the contract, and clearly disclosed to and the pertinent disclosure initialed by the property owner to which the contract applies:

(a) A licensee must provide written notice to a contract holder within seven days of discovery of a condition that is the subject of a limitation, exclusion, or condition to the licensee’s responsibility for the repair or re-treatment under a contract and provide an opportunity for the property owner to correct the condition. If the condition is not corrected within 90 days or by the time of the renewal of the contract (whichever is a longer time period), the licensee shall either cancel the contract or waive the exclusion, condition, or limitation that applies.

(b) A licensee must inspect for a infestation that is the subject of a re-treatment provision of a contract within 14 days of notification by the property owner to which the contract applies, and must perform a re-treatment required under a contract within 30 days of discovery of an infestation subject to

the re-treatment provision of a contract, unless access to the property is prevented by the property owner, or the treatment is waived in writing by the property owner.

(c) A licensee must clearly disclose to the signer of each contract if a mandatory arbitration provision applies to the contract. Demonstration of this disclosure may be made by the initialing by the signer of the contract of this provision of the contract or by initialing or signature of a separate disclosure document that describes the mandatory arbitration provision.

(d) A licensee may not use a limitation, exclusion, or condition clause of a contract to deny treatment of a termite infestation or repair of termite damage to the holder of a contract, unless the termite infestation or damage was a result of failure of treatment clearly caused by the subject of the limitation, exclusion, or condition clause in the contract.

Specific Authority 482.051 FS. Law Implemented 482.051(3) FS. History--New 1-1-77, Joint Administrative Procedures Committee Objection Withdrawn-See FAW Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, 10-25-90, Formerly 10D-55.105, Amended 8-11-93, 4-17-03, _____.

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.

(1) Records:

(a) Pest control records of the licensee pertaining to pest control activities and including contracts shall be kept at the licensed business location or at the exact Florida address specified in the application for business license for inspection by Department inspectors. Additionally, available for inspection by appropriate state officials at reasonable times there shall be maintained for a period of at least two years routine operational records containing information on kinds (names), amounts, uses, dates, and places of application of restricted-use pesticides.

~~(b) Each licensee shall comply with the terms of each pest control contract it issues.~~

(2) through (8) No change.

Specific Authority 482.051 FS. Law Implemented 482.071, 482.091, 482.161(1)(g), 482.226(1),(2),(4),(5),(6) FS. History--New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, 6-2-04, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Entomology – Pest

RULE CHAPTER NO.: 5E-14

Control Regulations

RULE TITLE: Enforcement and Penalties

RULE NO.: 5E-14.149

PURPOSE AND EFFECT: The purpose of the rule amendment is to adopt the enforcement guidelines and penalties into rule. The Department’s purpose in applying these guidelines is to achieve compliance with Chapter 482, Florida Statutes (F.S.), and Chapter 5E-14, Florida Administrative Code (F.A.C.).

SUBJECT AREA TO BE ADDRESSED: Enforcement and penalties are being adopted into rule to facilitate compliance.

SPECIFIC AUTHORITY: 482.051, 482.163, 482.165 FS.

LAW IMPLEMENTED: 482.161, 482.163, 482.165 FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m., January 10, 2005
PLACE: Room 204, Ft. Lauderdale Research and Education Center, 3205 College Avenue, Ft. Lauderdale, Florida 33314, (954)577-6300

TIME AND DATE: 10:00 a.m. – 3:00 p.m., January 11, 2005
PLACE: Auditorium of the Florida Research and Education Center, 2725 Binion Road, Apopka, Florida 32703, (407)884-2034

TIME AND DATE: 10:00 a.m. – 3:00 p.m., January 12, 2005
PLACE: The Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399, (850)488-7447

NOTE: These workshops will be combined with workshops for Rules 5E-14.105 and 5E-14.142, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Steven Dwinell, Assistant Director, Division of Agricultural Environmental Services, Room 126, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.149 Enforcement and Penalties.

(1) List of Penalties. The Department will apply one or more of the following penalties for violation of Chapter 482, F.S., or Chapter 5E-14, F.A.C.

(a) Denial of an application for licensure or license renewal and/or permits or refusal of a pest control registration, license, and/or permit.

(b) Revocation or Suspension of any license including permits.

(c) Warning Letter.

(d) Probation for a specified period of time not to exceed two years subject to conditions.

(e) Administrative fine not to exceed \$5,000 for each violation.

(f) Criminal prosecution by referral to the State Attorney under Sections 775.082 and 775.083, F.S.

(g) Injunctive relief.

(h) Issuance of a Cease and Desist Order, Immediate Stop Use or Stop Work Orders.

(i) Institution of an action under Chapter 501, Part II, for violations involving deceptive and unfair trade practices where the legal remedies provided under Chapter 501, Part II, are needed to further protect consumers or recover damages associated with identified violations.

(2) Violation and Repeat Violation. Each and every breach of Chapter 482, F.S., and related rule, or part thereof, is a violation. A repeat violation is a violation for which the person has been previously disciplined within the last three (3) years.

(3) Category of Violations. Minor violations are all violations other than those classified as major violations. Major violations are violations where:

(a) Death or injury occurs requiring medical attention to humans or veterinary attention to animals.

(b) A reasonable probability of death or injury may occur to humans or animals, but where the death or injury does not occur.

(c) The licensee, certificate holder, permit holder or applicator causes serious harm to an ecological system, or contamination of water or soil requiring corrective action or monitoring to protect human health or the environment.

(d) The licensee, certificate holder, permit holder or applicator has habitual intemperance or addiction to narcotics.

(e) The licensee, certificate holder, permit holder or applicator is or has been convicted in any state or federal court of a felony unless civil rights have been restored.

(f) The licensee, certificate holder, permit holder or applicator knowingly makes false or fraudulent claims with respect to pest control; misrepresenting the effects of materials or methods used in pest control or failing to use materials or methods suitable for the pest control undertaken.

(g) The licensee, certificate holder, permit holder or applicator performs pest control in a negligent manner or uses a structural fumigant in a manner that is inconsistent with its label directions.

(h) The licensee, certificate holder, permit holder or applicator fails to give the Department or representative true information upon request regarding methods and materials used, work performed, or other information essential to the administration of Chapter 482, F.S.

(i) The licensee, certificate holder, permit holder or applicator performs or causes fraudulent or misleading advertising relative to pest control or advertises in an unauthorized category of pest control.

(j) The licensee, certificate holder, permit holder or applicator whose action results in estimated economic or property damage exceeding \$1,000.

(k) The licensee, certificate holder, permit holder or applicator violates any Immediate Final Order, Emergency Suspension Order, Stop Use, Stop Work, Settlement Agreement, Consent Order, Final Order, or any other order of the Department, issued under the authority of Chapter 120 or 482, F.S., or Chapter 5E-14, F.A.C.

(l) The licensee, certificate holder, permit holder or applicator commits fraud or deceptive trade practices which contribute to an economic loss estimated to be greater than \$500 for one or more consumers.

(m) An individual or business performs pest control without holding a valid license from the Department.

(4) Stop Use or Stop Work Orders.

(a) Use of Stop Use, Stop Work Orders shall be issued in accordance with subsection 5E-14.108(4), F.A.C., for:

1. Fumigation activities performed in violation of fumigant label requirements or department rules, or in a manner that presents an immediate serious danger to the health, safety, or welfare of the public, including but not limited to, failure to use required personal protective equipment, failure to use required warning agent, failure to post required warning signs, failure to secure a structure's usual entrances as required, or using a fumigant in a manner that will likely result in hazardous exposure to humans, animals, or the environment.

(b) The Department shall issue a release of a Stop Use or Stop Work Order when the deficiencies cited have been corrected and the violator is in compliance with the provisions of Chapter 482, F.S., and associated rules.

(5) Default. A violator's failure to respond to an administrative complaint may result in a waiver of rights to a hearing and the Department may enter a Final Order imposing up to the maximum penalties as authorized by Florida law, including suspension of the violator's license and/or permit.

(6) Denial. If a person fails to comply with the licensing and/or permit requirements of Chapter 482, F.S., or Chapter 5E-14, F.A.C., the person's application for licensing and/or permit will be denied. Applications for any licensing and/or permit issued by the Department will be denied until all outstanding fines owed to the Department are paid in full.

(7) Warning Letters. For first time, non-major violations, the Department will issue a Warning Letter that is the equivalent of a Notice of Noncompliance. These may be issued to violators who fail to respond to an administrative complaint.

(8) Fines. For repeat non-major violations, multiple violations including at least one major violation, and all major violations, including those violators who do not respond to an administrative complaint, the Department will impose an administrative fine not to exceed \$5,000 per violation plus any other penalty allowed by law including suspension or revocation. When imposing a fine, the Department will consider the degree and extent of harm, or potential harm, that was or could have been caused by the violation, the cost of rectifying the damage, whether the violation was committed willfully, the compliance record of the violator, and the costs to the Department of investigating the violation. The Department will use the attached Fine Guide to assist it in determining the appropriate amount of the fine.

(9) Probation. In lieu of or in addition to fines or any other applicable penalty, the Department will impose up to a two-year probation on a violator when it will assist in ensuring compliance with the law. Probation will include requiring the violator to do one or more of the following: attend continuing education classes, demonstrate competency through a written or practical examination, provide prior notice of certain regulated actions, satisfy existing or future consumer complaints, engage in other corrective measures, or pay investigative costs.

(10) Investigative Costs. As part of probation the Department will charge for investigative costs where appropriate to insure compliance. Investigative costs are comprised of the following: Inspectors time, Bureau personnel time, travel expenses, and all other incidental expenditures related to the case.

(11) Suspension and Revocation. Suspension or Revocation will be imposed when:

(a) The violation results in death of humans or animals, or injury requiring hospitalization to humans or animals.

(b) The violation results in serious harm to an ecological system, or contamination of water or soil requiring corrective action or monitoring to protect human health or the environment.

(c) The compliance record of the violator shows two or more prior violations for similar major violations within the last (3) years.

(d) To prevent ongoing or future violations.

(e) To protect the public health, safety or welfare.

(f) When a permit holder pursuant to Section 482.0815(4) or (6), F.S., meets the conditions therein.

(12) Quarterly List. All violators disciplined, and their employer at the time of the violation will be named on the next available quarterly list. The list will specify whether the employer was disciplined, and it will also state all the violations, fines or terms for each, and any suspensions, probation or revocation.

(13) Resolution of Violations, Settlement, and Additional Enforcement Remedies. The Department and the violator may agree to resolve violations prior to administrative action, or to enter into settlement pursuant to Section 120.57(4), F.S. The willingness of a violator to resolve violations prior to initiation of administrative action, or to settle will be considered in determining the appropriate penalty because early resolution of violations furthers compliance and results in savings of time, costs, and expenses for the Department. The Department will enforce a failure to comply with an agreement to resolve violations or a settlement agreement with the penalties and remedies provided in the agreement and/or as authorized by law. These enforcement guidelines shall not be construed to limit the authority of the Department to resolve violations prior to or after initiation of any administrative action or to settle with any party. The Department may utilize all available

remedies to ensure voluntary compliance including administrative action, civil actions, referrals for criminal prosecution, and deceptive and unfair trade practices actions pursuant to Chapter 501, Florida Statutes.

(14) Follow-Up Compliance Inspections. If the violator agrees to corrective actions and subsequent inspection reveals that corrective actions have not been taken, then the Department will enforce the penalties and remedies provided in the agreement and as authorized by law.

(15) Notification of Licensees, Certificate Holders, and Identification Card Holders of Complaint.

When the Department receives a written complaint from a consumer regarding a licensee, certificate holder, permit holder or applicator, the Department will send a notice to the responsible person stating the complaint, identifying the complainant and requesting a written response within 10 days.

(16) Fine Guide.

FINE GUIDE = A(B+C+D+E+F)G. This guide shall apply for each violation for which a fine is imposed. The maximum fine is \$5,000 per violation. Multiple minor violations of the same statute or rule and identified during the same investigation, will be consolidated in determining the appropriate fine.

A = Degree & Extent of Harm – Human, animal & environmental hazards

1 Human, animal or environmental harm not identified or not probable

2 Reasonable probability of human or animal death or injury, or reasonable probability of serious environmental harm

5 Death of animals or injury to humans or animals requiring hospitalization, or serious harm to an ecological system, or contamination of water or soil requiring corrective action or monitoring to protect human health or the environment

7 Human death

B = Degree & Extent of Harm – Toxicity of the pesticide involved

0 No pesticide involved in complaint

1 Category III or IV – Signal Word “Caution”

2 Category II – Signal Word “Warning”

3 Category I – Signal Word “Danger”

C = Estimated cost of rectifying the damage to consumer minus any mitigation provided by the violator

1 Unknown or under \$1,000

2 Over \$1,000 and under \$5,000

3 Over \$5,000 and under \$10,000

4 Over \$10,000

D = Whether the violation was committed willfully

1 No evidence of willful intent

2 Apparent evidence of willful intent

5 Evidence of willful intent

E = Compliance record of the violator

0 No prior violations

- 1 One prior violation for a dissimilar violation
- 2 Two or more prior violations dissimilar to current violation
- 3 One prior violation for a similar violation
- 4 Two or more prior violations for similar violations

F = Investigative Costs

0 Payment of all investigative costs

2 No payment of costs

G = Entity Category

500 Business licensee responsible for violation

250 Certified Operator or Special Identification Cardholder responsible for violation

100 All others

Compliance record. The compliance record is established by prior disciplined violations, within the three (3) years preceding the date of the current violation, of Chapter 482, F.S., or of Chapter 5E-14, F.A.C., or of federal or other Florida law addressing pest control or pesticide use or disposal. Violations will be considered final on acceptance of the applicable penalty, or the date of final agency action or the conclusion of any appeals thereof.

Specific Authority 482.051, 482.163, 482.165 FS. Law Implemented 482.161, 482.163, 482.165 FS. History—New _____.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Commission – RULE CHAPTER NO.: 9B-70

Building Code Training Program

RULE TITLES: Building Code Core Education RULE NOS.: 9B-70.001

Commission Approval and Accreditation of

Advanced Building Code Training Courses 9B-70.002

PURPOSE AND EFFECT: To provide for accreditation of

advanced building code related continuing education courses.

SUBJECT AREA TO BE ADDRESSED: Advanced building

code related continuing education courses.

SPECIFIC AUTHORITY: 553.841(2) FS.

LAW IMPLEMENTED: 553.841 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD

AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:20 p.m., January 25, 2005

PLACE: Rosen Plaza Hotel, 9700 International Drive,

Orlando, Florida 32819-8114

Any person requiring special accommodations at the hearing

because of a disability or physical impairment should contact

Ila Jones, Community Program Administrator, Department of

Community Affairs, 2555 Shumard Oak Boulevard, Sadowski

Building, Tallahassee, Florida 32399-2100, (850)487-1824, at

least seven days before the date of the workshop. If you are

hearing or speech impaired, please contact the Department of

Community Affairs using the Florida Dual Party Relay

System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-70.001 Building Code Core Education Training Program.

(1) through (2) No change.

(3) Voluntary Accreditation of Advanced Building Code Training Courses.

(a) The Commission shall approve individual persons to serve as accreditors of advanced building code training courses. Individuals desiring to be accreditors shall apply using Form FBCED 2003-001 adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org. Applications shall be accompanied by an application fee of \$100.00. Applications shall be approved by the Commission if the applicant has demonstrated sufficient expertise in the field for which approval is sought.

(b) Accreditors shall review courses submitted by course developers, and providers approved by the Department of Business and Professional Regulation to determine if the course contains the following:

1. Goals and measurable objectives;

2. Topical outline of the course components in order of presentation;

3. Teaching methods can include one or more, but not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations; and

4. Teaching resources and course references cited in the course materials.

(4) Courses are to address the technical and administrative responsibilities in the effective execution of the Florida Building Code. In the event the Commission identifies areas or topics of advanced Building Code education insufficiently served by available resources, the Commission shall report the insufficiency to the appropriate licensing board.

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History—New 4-20-00, Amended 10-14-01, 6-13-04, _____.

9B-70.002 Commission Approval and Accreditation of Advanced Building Code Training Courses.

(1) Approval of Course Accreditors. The Commission shall approve persons or entities to serve as accreditors of advanced training courses. Persons or entities desiring to be accreditors shall apply using Form FBCED 2003-001 adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org. Applications shall be accompanied by an application fee of \$100.00.

Applications shall be approved by the Commission if the applicant has demonstrated sufficient expertise in the field for which approval is sought.

(2) Accreditor Review of Courses. Accreditors shall review courses submitted by course developers and providers approved by the Department of Business and Professional Regulation to determine if the course contains the following:

(a) Goals and measurable objectives;

(b) Topical outline of the course components in order of presentation;

(c) Teaching methods can include one or more, but not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations; and

(d) Teaching resources and course references cited in the course materials.

(3) Course Accreditation by the Florida Building Commission. Accredited Courses are to effectively and accurately address the technical and administrative responsibilities in the effective execution of the Florida Building Code. In the event the Commission identifies areas or topics of advanced Building Code education with insufficient number of courses available through existing resources, the Commission shall report the areas or topics to the appropriate licensing board. If additional courses do not become available within [number to be determined at workshop] months of notification to the licensing board, the Commission will develop a minimum of one (1) course that will be made available to training providers.

(a) Training providers approved by the Department of Business and Professional Regulation who desire Commission approval and accreditation for advanced Building Code courses shall register with the Building Code Information System Form FBCED 2003-002, Provider Registration, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org, and pay a registration fee \$25.00.

(b) Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing Form FBCED 2003-003, Course Accreditation Application, adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org.

(c) The provider shall select an approved accreditor and shall provide payment for services directly to the accreditor. The accreditor selected shall meet the criteria for independence identified in paragraph (d).

(d) Upon submittal by a training provider, the selected accreditor shall receive an e-mail notification and shall review the materials provided by the provider in accordance with the criteria identified herein. The accreditor shall complete the application by providing comments containing the results of the accreditor's review and updating the Accreditation Approval Status on the Building Code Information System.

The accreditor shall also provide a certification of independence that attests the person or entity does not have, nor does it intend to acquire or will acquire, a financial interest in the training provider seeking accreditation.

(e) The Building Code Information System shall assign an accreditation number to the application and the application shall be scheduled for review by the Florida Building Commission. The application shall be reviewed and action taken on the accreditation and approval of the materials at the regularly scheduled meeting of the Florida Building Commission which occurs more than 30 days from the date the accreditation number is assigned.

(f) Accreditation of revisions to accredited courses shall be accomplished in the same manner as described in paragraphs (a) through (d) hereof, except that only the revision submitted shall be subject to review.

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History--New _____.

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

RULE TITLE: Investment Policy Statement
 RULE NO.: 19-9.001

PURPOSE AND EFFECT: To amend the Investment Policy Statement to reflect recent investment option and other changes.

SUBJECT AREA TO BE ADDRESSED: Investment Policy Statement for the Public Employee Retirement Optional Program.

SPECIFIC AUTHORITY: 121.4501(8)(a) FS.

LAW IMPLEMENTED: 121.4501(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: 2:00 p.m. – 5:00 p.m., Wednesday, January 5, 2005

PLACE: Room 116, Hermitage Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Hodges at least 5 calendar days before the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199

THE PRELIMINARY DISCUSSION DRAFT OF THE PROPOSED RULE WILL BE AVAILABLE FOR DISTRIBUTION ON DECEMBER 17, 2004.

Copies of the proposed repealed rules may be obtained from: Melissa Hodges, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1491.

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Food Services – Standards of Operation
 RULE NO.: 33-204.003

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language that reiterates a statutory requirement.

SUBJECT AREA TO BE ADDRESSED: Food Services.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-204.003 Food Services – Standards of Operation.

(1) through (3) No change.

~~(4) Sanitation.~~

~~(a) All food service areas shall meet the standards of the Food Hygiene Code, Department of Health, Chapter 64E-11, F.A.C. Food and beverages shall not be consumed in food preparation areas.~~

~~(b) Personnel assigned to food service shall meet the standards set by the Food Hygiene Code, Department of Health Rule 64E-11.005, F.A.C.~~

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

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04, _____.

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Group Insurance

RULE CHAPTER TITLE: Supplemental Insurance
 RULE CHAPTER NO.: 60P-10

RULE TITLE: Effective Date of Coverage
 RULE NO.: 60P-10.004

PURPOSE AND EFFECT: To clarify the coverage procedures when premiums for any Supplemental Insurance Plan offered by the State are paid partially or entirely by direct payment.

SUBJECT AREA TO BE ADDRESSED: Acceptance of payment by agency or its agent will not does not afford coverage, if, for any reason, the subscriber or any eligible dependents are later found to be ineligible to participate.

SPECIFIC AUTHORITY: 110.123(5) FS.

LAW IMPLEMENTED: 110.123 FS.

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

TIME AND DATE: 2:00 p.m., January 10, 2005

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jeff Dykes, 4040, Division of State Group Insurance, Esplanade Way, Tallahassee, Florida 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES: Regular Elections; Vacancies Caused by
 RULE NOS.: 61B-23.0021

Expiration of Term; Resignations;

Death; Election Monitors

61B-23.0021

Ombudsman; Election Monitoring

61B-23.00215

PURPOSE AND EFFECT: This rule amendment provides procedures and a petition form for condominium unit owners to request that the Condominium Ombudsman appoint a monitor for the condominium association’s annual election. The rule addresses the scope and extent of the monitor’s role in the election process.

SUBJECT AREA TO BE ADDRESSED: The appointment of election monitors by the Condominium Ombudsman.

SPECIFIC AUTHORITY: 718.5012(9) FS.

LAW IMPLEMENTED: 718.1255, 718.5012(9) FS.

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

TIME AND DATE: 10:00 a.m., December 27, 2004

PLACE: Conference Room B03, Fuller Warren Building, 202 Blount Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE. A copy is also available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE: General
 RULE CHAPTER NO.: 61C-1

RULE TITLE: Definitions
 RULE NO.: 61C-1.001

PURPOSE AND EFFECT: The purpose of this rule development is to adopt part of the *2001 Recommendations of the United States Public Health Service Food and Drug Administration* (FDA Food Code) into the sanitation and safety rules in Chapter 61C, Florida Administrative Code. Additionally, the division seeks to adopt the *2001 Food Code Errata Sheet* (August 23, 2002) and the *Supplement to the 2001 FDA Food Code* (August 29, 2003), both of which provide corrections and updates to the original 2001 FDA Food Code. These rules affect regulation of all public lodging and public food service establishments licensed by the Division of Hotels and Restaurants in the State of Florida.

SUBJECT AREA TO BE ADDRESSED: This rule adoption will address regulatory changes and updates from the currently adopted 1999 FDA Food Code. Copies of the 2001 FDA Food Code are available on the Internet at www.myflorida.com/dbpr/hr/rules_statutes/index.shtml or may be obtained from: Lee Cornman, Division of Hotels and Restaurants, Tallahassee Office, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, (850)488-1133.

SPECIFIC AUTHORITY: 509.032(6) FS.

LAW IMPLEMENTED: 509.032(3)(a) 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: Lee M. Cornman, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-1133

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-1.001 Definitions.

Except when otherwise defined in this rule, the definitions provided in paragraph 1-201.10(B), Food Code, ~~2001~~ *1999 Recommendations of the United States Public Health Service/Food and Drug Administration*, the 2001 Food Code Errata Sheet (August 23, 2002), and Supplement to the 2001 FDA Food Code (August 29, 2003), herein adopted by reference, shall apply to Chapters 61C-1, 61C-3 and 61C-4, F.A.C. In addition, the following definitions apply to Chapters 61C-1, 61C-3 and 61C-4, F.A.C.:

(1) through (13) No change.

(14) Food Code – Food Code, ~~2001~~ *1999 Recommendations of the United States Public Health Service/Food and Drug Administration including Appendix 3 and Appendix 5 of the Food Code, the 2001 Food Code Errata Sheet (August 23, 2002)*, and Supplement to the 2001 FDA Food Code (August 29, 2003).

(15) through (30) No change.

Specific Authority 509.032(6) FS. Law Implemented 509.032 FS. History—Amended 9-20-63, 3-21-64, 1-7-70, Revised 2-4-71, Amended 10-18-71, 11-17-73, 12-18-74, 12-5-82, Formerly 7C-1.01, Amended 9-10-89, 12-31-90, 2-27-92, 11-4-92, Formerly 7C-1.001, Amended 3-31-94, 10-9-95, 9-25-96, 1-1-98, 12-6-00,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE: Public Food Service
 RULE CHAPTER NO.: 61C-4

Establishments
 RULE TITLE: Sanitation and Safety Requirements
 RULE NO.: 61C-4.010

PURPOSE AND EFFECT: Concurrent with the proposed adoption of part of the *2001 Recommendations of the United States Public Health Service Food and Drug Administration* (FDA Food Code) into the sanitation and safety rules in Title 61C, Florida Administrative Code, the purpose of this proposed rule modification is to eliminate previous rule

exemptions to the FDA Food Code. Significant scientific evidence has been provided by the United States Public Health Service Food and Drug Administration and other food safety resources to indicate that continued exemption of the consumer advisory provisions of section 3-603.11, Food Code, and the fingernail maintenance requirements of section 2.302.11(B), Food Code, may be detrimental to the health, safety and welfare of the dining public. These rules affect regulation of all public food service establishments licensed by the Division of Hotels and Restaurants in the State of Florida.

SUBJECT AREA TO BE ADDRESSED: This rule adoption will address removal of exemptions relative to the consumer advisory provisions of section 3-603.11, Food Code, and the fingernail maintenance requirements of subsection 2.302.11(B), Food Code, as they apply to the division's adoption of the 2001 FDA Food Code. Copies of the 2001 FDA Food Code are available on the Internet at www.myflorida.com/dbpr/hr/rules_statutes/index.shtml or may be obtained from: Lee Cornman, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, (850)488-1133.

SPECIFIC AUTHORITY: 509.032(6) FS.

LAW IMPLEMENTED: 509.032(3)(a) 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: Lee M. Cornman, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-1133

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-4.010 Sanitation and Safety Requirements.

(1) Food Supplies and Food Protection – except as specifically provided in this rule, public food service establishments shall be subject to the provisions of Chapter 3, Food Code, herein adopted by reference.

(a) through (g) No change.

~~(h) Public food service establishments are exempted from the consumer advisory provisions of section 3-603.11, Food Code.~~

~~(i) Employees in public food service establishments are exempted from the fingernail maintenance requirements of section 2-302.11(B), Food Code.~~

(2) through (7) No change.

Specific Authority 509.032(2)(d), 509.032(6) FS. Law Implemented 509.032(2)(d),(3)(a),(b),(c), 509.035, 509.221 FS. History--New 1-1-77, Amended 1-6-81, Formerly 10D-13.23, Amended 2-21-91, Formerly 10D-13.023, Formerly 7C-4.010, Amended 3-31-94, 9-25-96, 1-1-98, 7-2-98, 12-6-00,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLES:	RULE NOS.:
Examination for Barber Licensure	61G3-16.0010
Examination for Restricted Licensure	61G3-16.007

PURPOSE AND EFFECT: The Board proposes to review the existing language in these rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Examination for Barber Licensure; Examination for Restricted Licensure.

SPECIFIC AUTHORITY: 455.217(1)(b),(c), 476.064(4), 476.114(2), 476.134, 476.144 FS.

LAW IMPLEMENTED: 455.217(1)(b),(c), 476.114(2), 476.134, 476.144 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Malone Garofalo, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE:	RULE NO.:
Licensure Requirements for Applicants from Accredited Schools or Colleges	64B5-2.104

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

SUBJECT AREA TO BE ADDRESSED: Requirements for submitting an application for licensure.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 456.033, 466.006, 466.007, 466.0075, 466.028 FS.

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

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Use of the Title Sex Therapist
PURPOSE AND EFFECT: The Board proposes to review the existing rule to determine if changes are necessary.
SUBJECT AREA TO BE ADDRESSED: Mediation.
SPECIFIC AUTHORITY: 490.004(4), 490.0143 FS.
LAW IMPLEMENTED: 490.003(4), 490.0143 FS.

RULE NO.: 64B19-18.002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Definitions
PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to provide definitions for language in rules of the Fish and Wildlife Conservation Commission, during calendar year 2005.

RULE NO.: 68A-1.004

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include rule language definitions.
SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES: General Prohibitions
Possession and Release of Live Mallards
Importation and Possession of Carcasses from Deer, Elk and Other Wildlife
Species in the Family of Cervidae
RULE NOS.: 68A-4.001
68A-4.0052
68A-4.0053

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, associated with general prohibitions pertaining to wildlife and freshwater fish resources, to establish or revise rule provisions pertaining to the possession and release of live mallards, and to establish or revise rule provision addressing the importation and possession of carcasses from deer, elk, and other species in the family of Cervidae.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general prohibitions pertaining to wildlife and freshwater fish resources and possession, release of live mallards, and importation and possession of carcasses from deer, elk, and other species in the family of Cervidae.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Quota Hunt Permits and Special-Opportunity Permits: Application; Selection; Issuance

RULE NO.: 68A-5.005

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to establish or revise procedures for application, selection, or issuance of quota hunt or special-opportunity hunt permits, during the 2005 calendar year.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include the application, selection and issuance of Quota Hunt Permits and Special-opportunity Permits.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.57(4)(f) 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: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES: Permits for Hunting or Other Recreational Use on Wildlife Management Areas

RULE NOS.: 68A-9.004

Special-use Permits; Short-term Use Permits; Fees; Special-opportunity Hunting and Fishing Permits for Physically Disabled

68A-9.007

68A-9.008

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, associated with recreational use permits and related fees on Wildlife Management Areas;

special-use permits, short-term use permits, special-opportunity hunting and fishing permits, and any related fees; and permits for the physically disabled.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include recreational use permits; special-use permits, short-term use permits, special-opportunity hunting and fishing, and related fees; and permits for the physically disabled.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.121, 372.57, 375.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES: Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting

RULE NOS.: 68A-12.007

Regulations Governing the Operation of Private Hunting Preserves

68A-12.010

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, to regulate the use of dogs for deer hunting on private lands and to establish or revise rule provisions associated with the operation of private hunting preserves.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include provisions to regulate the use of dogs to hunt deer on private lands and regulations pertaining to the release of captive-reared ducks on preserves for shooting purposes.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
Open Season for Taking Game; Bag and Possession Limits	68A-13.001
Migratory Birds; Adoption of Federal Statutes and Regulations	68A-13.002
Hunting Regulations for Ducks, Geese, and Coots	68A-13.003
Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits to Private Landowners	68A-13.004
Hunting on National Wildlife Refuges	68A-13.006
Hunting Regulations on Public Small-Game Hunting Areas	68A-13.007
Hunting Regulations for Migratory Birds Other than Ducks and Coots	68A-13.008

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is, during calendar year 2005, to (1) establish open seasons, bag limits and possession limits for taking game; (2) establish hunting regulations for ducks, geese, coots, and other migratory birds; (3) provide for adoption of Federal statutes and regulations pertaining to migratory birds and hunting on National Wildlife Refuges; (4) establish hunting regulations for public small-game hunting areas; and (5) provide for the issuance of antlerless deer permits to private landowners.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include regulations for taking game including waterfowl and other migratory birds, issuance of antlerless deer permits to private landowners, public small-game hunting area regulations, adoption of Federal statutes and regulations, and hunting on National Wildlife Refuges.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 372.021 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:	RULE NO.:
Establishment Orders	68A-14.001

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, to make reference to Commission Establishment Orders that (1) establish land as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas, (2) adjust acreage of said lands; and (3) make technical changes to Establishment Orders.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include establishment orders for wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
General Regulations Relating to Wildlife Management Areas	68A-15.004
Quota Permits; Antlerless Deer Permits	68A-15.005
Regulations Relating to Miscellaneous Areas	68A-15.006
Specific Regulations for Wildlife Management Areas – Southwest Region	68A-15.061
Specific Regulations for Wildlife Management Areas – North Central Region	68A-15.062
Specific Regulations for Wildlife Management Areas – Northwest Region	68A-15.063
Specific Regulations for Wildlife Management Areas – South Region	68A-15.064
Specific Regulations for Wildlife Management Areas – Northeast Region	68A-15.065

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, to (1) establish or revise general regulations relating to Wildlife Management Areas (WMA); (2) establish or adjust hunter quotas for WMAs; (3) establish or modify specific area regulations for WMAs; and (4) adjust hunting season dates on WMAs to conform with proposed 2005-2006 hunting season dates for the appropriate hunting zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general regulations, quota hunt permits, hunting season dates and specific area regulations pertaining to WMAs.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.57, 372.121, 375.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
General Regulations Relating to Wildlife and Environmental Areas	68A-17.004
Specific Regulations on Wildlife and Environmental Areas	68A-17.005

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, to (1) establish general regulations relating to Wildlife and Environmental Areas (WEA); (2) establish or modify specific area regulations for WEAs; and (3) adjust hunting season dates on WEAs to conform with proposed 2005-2006 hunting season dates for the appropriate hunting zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include hunting season dates, general regulations and specific area regulations pertaining to WEAs.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.57, 372.121, 375.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
Establishment	68A-21.002
General Regulations Relating to Wild Hog Areas	68A-21.004

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, associated with general regulation of wild hog areas.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general regulation of wild hog areas.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 372.021 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
General Provisions for Taking, Possession and Sale of Reptiles	68A-25.002
Taking and Disposal of Nuisance Alligators Statewide	68A-25.003
Regulations Governing the Operation of Alligator Farms	68A-25.004
Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs on Private Lands	68A-25.031
Regulations Governing the Establishment of Alligator Management Programs on Private Lands	68A-25.032
Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale	68A-25.042
Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts	68A-25.052

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, to establish regulations for taking

and possessing alligators that will ensure conservation of alligator populations while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include requirements for taking and possessing alligators and other reptiles.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 370.081, 372.6672, 372.6673, 372.6674, 372.86, 372.87, 372.88, 372.89, 372.90, 372.91, 372.92, 372.921, 372.922 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: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
Killing Endangered Species	68A-27.0011
Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern	68A-27.0012
Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property	68A-27.002
Designation of Candidate Species; Prohibitions, Permits	68A-27.0021
Designation of Endangered Species; Prohibitions; Permits	68A-27.003
Designation of Threatened Species; Prohibitions, Permits	68A-27.004
Designation of Species of Special Concern; Prohibitions; Permits	68A-27.005
Reward Program	68A-27.006

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2005, to add species to, reclassify species, and/or remove species from the Candidate Species, Endangered Species, Threatened Species and Species of Special Concern lists.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include listing, delisting, and reclassifying species to the Candidate Species, Endangered Species, Threatened Species and Species of Special Concern lists.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 372.021 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.073 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: Thomas Eason, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE AVAILABLE AT NO CHARGE FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

Section II Proposed Rules

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Outdoor Advertising Sign Regulation and Highway Beautification

RULE CHAPTER NO.:

14-10

RULE TITLE: Permits

RULE NO.:

14-10.004

PURPOSE AND EFFECT: Rule 14-10.004, F.A.C., is being amended to incorporate by reference a revised Form 575-070-04, Application for Outdoor Advertising Permit.

SUMMARY: Form 575-070-04, Application for Outdoor Advertising Permit, is being revised.

SPECIFIC AUTHORITY: 334.044(2), 479.02(7) FS.

LAW IMPLEMENTED: 334.044(28), 339.05, 479.01(14), 479.02, 479.07, 479.106(5), 479.24 FS.

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

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

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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-10.004 Permits.

(1) An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~01/04~~ ~~08/03~~, incorporated herein by reference, to the address listed in Rule subsection 14-10.003(2), F.A.C. Applications may be obtained from the State Outdoor Advertising License and Permit Office.

(a) through (e) No change.

(f) For purposes of paragraph (c), above, when a valid permit is being conditionally canceled pursuant to subsection 14-10.004(9), F.A.C., the Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 07/01, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~01/04~~ ~~08/03~~, must be submitted simultaneously to the Department. Form 575-070-12 may be obtained from the address listed in subsection 14-10.003(2), F.A.C. The date the Department receives the cancellation and complete application documents shall be considered the date the application is received.

(g) through (2) No change.

(3) Notwithstanding any other provisions of this rule chapter, an outdoor advertising sign existing at a location which previously was not subject to the permitting requirements of this chapter, but which has become subject to the requirements of this chapter due to changes in the jurisdictional designation of highways, shall be granted a state permit in accordance with the process outlined below:

(a) through (c) No change.

(d) The Department shall issue an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, to the sign owner upon receipt of a complete Application for Outdoor Advertising Permit, Form 575-070-04, Rev. ~~01/04~~ ~~08/03~~, together with all items required by Section 479.07(3)(b), Florida Statutes. For existing signs, the written statement required by Section 479.07(3)(b), Florida Statutes, shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official, except in cases where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement of the local government, the applicant shall certify in writing

that the local government has not provided notice that the sign is illegal, and that the local government has taken no action to cause the sign to be removed.

(4) through (12) No change.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 215.34, 334.044(28), 339.05, 479.01(14), 479.02, 479.04, 479.07, 479.106(5), 479.24 FS. History—New 3-28-76, (Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), Amended 4-21-77, 12-10-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98, 8-10-99, 8-19-01, 1-25-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lynn Holschuh, State Outdoor Advertising Administrator
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin Thibault, Assistant Secretary for Engineering and Operations for José Abreu, P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 24, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 13, 2004

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Regulation of Encroachments
RULE CHAPTER NO.: 14-43

Over State Rights of Way
RULE TITLE: Regulation of Overhanging Encroachments
RULE NO.: 14-43.001

PURPOSE AND EFFECT: The definitions are amended, including the addition of a definition for “applicant.” Other definitions are amended and other amendments are made regarding permitting matters. A revised application form also is being incorporated by reference.

SUMMARY: Rule 14-43.001, F.A.C., is being amended, to include a definition for the term “applicant” and other amendments regarding permitting matters, including incorporating by reference a revised application form.

SPECIFIC AUTHORITY: 334.044(2), 337.407 FS.
LAW IMPLEMENTED: 337.406, 337.407, 479.01, 479.16, 768.28 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs has been prepared.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

14-43.001 Regulation of Overhanging Encroachments.

(1) Definitions.

(a) “Applicant” means any person or entity, including a local governmental entity, seeking permission for an overhanging encroachment.

~~(b)(a)~~ “Banner” means any object or thing attached to one or more existing permanent supports, a length or sheet of cloth, fabric, plastic, or other flexible material bearing a message which may be either of the following:

1. “Pole Banner” means a banner which is located adjacent to the travel lanes of the roadway and is attached to a single an existing permanent support.

2. “Street Banner” means a banner which extends over the travel lanes of the roadway and is attached to ~~two one~~ or more existing permanent supports.

~~(c)(b)~~ “Canopy” means a permanent or semi-permanent, on-premise roof-like encroachment or projection partially extending over the right of way.

~~(d)(e)~~ “Department” means the State of Florida Department of Transportation.

~~(d)~~ “Governmental Entity” has the same meaning as provided in Section 11.45(1)(e), Florida Statutes.

~~(d)(e)~~ “Local Governmental Entity” has the same meaning as provided in Section 11.45(1)(d), Florida Statutes.

~~(e)(f)~~ “Overhanging Encroachment” for purposes of this rule means a sign, canopy, or banner, as these terms are herein defined, which is ~~are~~ placed along and over any state roads which are within municipalities, or which are of curb and gutter construction outside municipalities.

~~(f)(g)~~ “Sign” has the same meaning as provided in Section 479.01(14), Florida Statutes.

~~(2) Overhanging encroachments as authorized by are prohibited on the Interstate System. Overhanging encroachments shall be authorized, pursuant to Section 337.407(1), Florida Statutes, are subject to the following conditions:~~

(a) No new supports may be located within state right of way.

(b) Any overhanging encroachment must be allowed by the affected local governmental entity.

(c) Any overhanging encroachment which interferes with Department construction must be adjusted or removed at the owner’s expense.

(d) Overhanging encroachments may not obstruct the view of any traffic signal, traffic device, or official sign, nor in any way interfere with motorists’ ability to safely operate their vehicles.

(e) Overhanging encroachments must comply with the setback or clearance requirements set forth in subsections (3) and (4) below. The Department will notify the owner that if the overhanging encroachment must be adjusted within 36 hours

of notification to meet setback or clearance requirements, and, upon failure of the owner to make such adjustment, it shall be removed by the Department. If the overhanging encroachment presents a safety hazard, the Department shall remove it and notify the owner of the removal.

(f) No overhanging encroachment may be erected or maintained which would interfere with the Department's maintenance, operation, or other use of a transportation facility.

(g) When an overhanging encroachment must be removed by the Department, the owner may reclaim it within 30 calendar days from the date of removal, upon payment of any costs incurred by the Department in removing the encroachment.

(3) Signs and Canopies. Signs and canopies are prohibited along and over limited access roadways. Signs and canopies which meet the criteria of Section 479.16(1), Florida Statutes, may only be placed along and over any other roads within corporate limits of a municipality, or outside municipalities where curb and gutter construction exists in compliance with the following conditions:

(a) Where curb and gutter construction exists, the entire structure, including attachments and supports, must clear the sidewalk vertically by at least nine feet, the outside edge of the structure must be at least two feet behind a vertical line extending upward from the face of the curb, and the entire structure must comply with the Department's clear zone requirements set forth in Table 2.11.9 Clear Zone Widths and Table 2.11.10 Clear Zone Widths for Curved Alignments on Highways With Flush Shoulders (January 2000, Revised 1/01), incorporated herein by reference. Copies of these tables are available from the Department's Maintenance Office, 605 Suwannee Street, MS 52, Tallahassee, Florida 32399-0450.

(b) Within municipalities where there is no curb and gutter construction, the entire structure, including attachments and supports, may not extend more than six feet over the right of way; may not extend closer than 12 feet from the edge of the driving lane; must have a vertical clearance of at least ~~7.5~~ 10 feet; and the entire structure must comply with the Department's clear zone requirements as set forth in Table 2.11.9 Clear Zone Widths and Table 2.11.10 Clear Zone Widths for Curved Alignments on Highways With Flush Shoulders, referenced in paragraph (a) above.

(c) The design of said canopies or signs, as to bracing and attachments to buildings, shall be approved for safety features by the appropriate official of the local governmental entity agency affected.

(d) No canopy or sign shall be erected away from the site of the business which it promotes.

(e) Lighting of signs and canopies shall conform to the requirements of Section 479.11(5), Florida Statutes.

(4) Banners. Banners may be placed along and over any state roads which are within municipalities, or which are of curb and gutter construction outside municipalities subject to the following conditions:

(a) ~~The~~ ~~Written~~ authorization for the placement of banners ~~from the local governmental entity within whose jurisdictional boundaries the banners are to be placed~~ must be the applicant provided.

(b) Banners will be allowed for the a period set forth in the application ~~not to exceed 30 consecutive calendar days~~. ~~Banners will not be allowed to be displayed within 180 days of the last day of its most recent display period.~~

~~(c) Banners are allowed for routinely recurring events, e.g., events occurring monthly or quarterly, unless otherwise provided in this rule, provided the banner is displayed for no more than three consecutive days per month, for 12 months.~~

~~(c)(d)~~ Pole banners must be placed a minimum of 1,000 feet apart on the same side of the travel lane on all limited access facilities, and on non limited access facilities outside the corporate limits of a municipality.

1. The lowest point of the banner must be at least 14 1/2 feet above the pavement elevation;

2. ~~A~~ ~~The~~ pole banner must be attached to a light standard or other such device which is permanently located in the right of way. Banners may not be attached to any utility pole.

~~(d)(e)~~ Placement of banners on frangible light standards or other frangible devices will require a load rating analysis, signed and sealed by a registered professional engineer, certifying that the specific light standards or devices used to support the banners will handle the additional load placed on the structures by the banner and attachments, and will not exceed the wind loading design requirements of the structure. Copies of load rating analyses previously submitted are acceptable for subsequent applications when all specifications are the same.

(f) Banners may not be placed within 500 feet of a limited access interchange.

(g) Street banners may only be placed on the right of way of non limited access roadways and must vertically clear the pavement by at least 18 feet. Street banners must be a minimum of 1,000 feet apart.

(5) Applications for an overhanging encroachment must be made in writing to the appropriate District Maintenance Office.

(a) Applications for overhanging signs and canopies shall include:

1. The name and address of the applicant.

2. A drawing sketch of the sign or canopy, drawn to scale, including any ~~which includes~~ the message, letterings, logos, or emblems.

3. A sketch of the specific location of the sign or canopy, including height, location of supports, proximity to utility poles, and the identification of the state highway where the sign or canopy will be located.

4. Sketches or specific descriptions of the method to be used to affix the sign or canopy to the support structure(s).

5. Proof of compliance with any applicable local governmental regulations.

(b) Applications for banners shall be made no later than 30 days and no earlier than 365 days prior to the requested installation date. The application shall be on Application for Banner, DOT Form ~~575-070-18 850-040-75~~, Rev. ~~10/04 07/01~~, incorporated herein by reference. Copies of DOT Form ~~575-070-18 850-040-75~~ are available from the State Maintenance Engineer or any District Maintenance Engineer. The application shall include:

1. The name, address, and telephone number of the applicants. The name of a contact person whom the Department may contact regarding the banner installation and display also must be supplied. ~~If the applicant is a business or governmental entity, the name of the contact person must be supplied.~~

2. A ~~sketch or~~ drawing of the banner(s), drawn to scale, including any message, logo, or emblem which includes the entire message that will appear on the banner(s).

3. A sketch of the specific location of the banner(s), including height, location of supports, proximity to utility poles, and the identification of the state highway where the banner(s) will be located.

4. Sketches, photographs, or specific descriptions of the method to be used to affix the banner(s) to the support structure(s).

~~5. The beginning and ending dates of the event being promoted.~~

~~5.6.~~ The beginning and ending dates of the display period requested.

~~6.7.~~ Proof of compliance with the requirements of paragraph (4)(c) and any local governmental regulations.

~~8. Written authorization from the local governmental entity granting permission to the applicant for the installation of the banners. No banner shall be allowed when the local governmental entity has an ordinance prohibiting its installation.~~

~~9. When the roadway requested for banner installation is under the ownership of an Expressway Authority, written authorization from the affected Expressway Authority granting permission to the applicant for the installation of the banners must be provided.~~

~~7.10.~~ A load rating analysis by a registered professional engineer. See paragraph (4)(d), above.

(c) Banners will not be allowed where a Department construction project is planned or ongoing during the requested display period.

(d) The ~~a~~Applicant shall agree as follows:

1. To the extent provided by law, ~~each the~~ aApplicant shall indemnify, defend, and hold harmless the Department and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by ~~an the~~ aApplicant, its agents, or employees arising from activities associated herewith.

2. When the Department receives a notice of claim for damages that may have been caused by the ~~a~~Applicant in the performance of activities hereunder, the Department will immediately forward the claim to ~~all the~~ aApplicants. The ~~a~~Applicants and the Department will evaluate the claim and report their findings to each other within 14 working days and will jointly discuss options in defending the claim. After reviewing the claim, the Department will determine whether to require the participation of the ~~a~~Applicants in the defense of the claim or to require that the ~~a~~Applicants defend the Department in such claim as described in this section. The Department's failure to promptly notify ~~each the~~ aApplicant of a claim shall not act as a waiver of any right herein to require the participation in or defense of the claim by the ~~a~~Applicants. The ~~a~~Applicants shall bear all expenses of the Department in defense of the claim.

(e) If the application is denied, the Department shall provide a Notice of Administrative Hearing Rights to ~~each the~~ aApplicant.

(6) Failure to comply with the provisions of this rule shall result in the issuance of a Notice of Intent to Deny the Application or a Notice of Noncompliance, which shall include a Notice of Administrative Hearing Rights.

(7) Provision of any notice, denial, revocation, or Notice of Administrative Hearing Rights by the Department under this rule shall not constitute or create entitlement to an administrative hearing where such right does not otherwise exist.

Specific Authority 334.044(2), 337.407 FS. Law Implemented 337.406, 337.407, 479.01, ~~479.16~~, 768.28 FS. History—Amended 3-21-64, 5-9-70, 7-9-75, Formerly 14-43.01, Amended 8-3-99, 8-2-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth Towcimak, Director, Office of Right of Way

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ysela Llort, Assistant Secretary for Intermodal Systems Development, for José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 29, 2004

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

DOCKET NO. 041252-WS

RULE TITLE: Regulatory Assessment Fees; Water and Wastewater Utilities

RULE NO.: 25-30.120

PURPOSE AND EFFECT: To implement an amendment to Section 367.145(1), F.S.

SUMMARY: Requires water and wastewater utilities with annual gross operating revenues of \$200,000 or more to pay regulatory assessment fees on a semi-annual basis.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None as a result of the rule change.

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

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.113, 367.145, 367.161 FS.

Written comments or suggestions on the proposed rule may be submitted to the FPSC, Division of the Commission Clerk and Administrative Services, within 21 days of the date of this notice for inclusion in the record of the proceeding.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

25-30.120 Regulatory Assessment Fees; Water and Wastewater Utilities.

(1) No change.

(2) The obligation to remit the regulatory assessment fees for any year shall apply to any utility ~~that which~~ is subject to this Commission's jurisdiction on or before December 31 of that year or for any part of that year, whether or not the utility has actually applied for or been issued a certificate.

(a) For large utilities with annual revenues of \$200,000 or more based on the most recent prior calendar year, rRegulatory assessment fees shall be filed with the Commission on or before July 30 for the preceding period or any part of the period from January 1 until June 30, and on January 30 for the

preceding period or any part of the period from July 1 until March 31 for the preceding year ended December 31. Commission Form PSC/ECR ~~CCA~~ 10-WL (xx/xx) entitled "Large Water System Regulatory Assessment Fee Return" and Commission Form PSC/ECR ~~CCA~~ 017-WL (xx/xx) entitled "Large Wastewater System Regulatory Assessment Fee Return" are incorporated into this rule by reference and may be obtained from the Commission's Division of the Commission Clerk and Administrative Services. The failure of a utility to receive a return form shall not excuse the utility from its obligation to timely remit the regulatory assessment fees.

(b) For small utilities with annual revenues of less than \$200,000 based on the most recent prior calendar year, regulatory assessment fees shall be filed with the Commission on or before March 31 for the preceding year ended December 31. Commission Form PSC/ECR 010-WS (xx/xx) entitled "Small Water System Regulatory Assessment Fee Return" and Commission Form PSC/ECR 017-WS (xx/xx) entitled "Small Wastewater System Regulatory Assessment Fee Return" are incorporated into this rule by reference and may be obtained from the Commission's Division of the Commission Clerk and Administrative Services. The failure of a utility to receive a return form shall not excuse the utility from its obligation to timely remit the regulatory fees.

(c) For the purpose of this rule, a utility operating both a water system and a wastewater system shall consider each system separately in determining the revenue threshold for filing regulatory assessment fees on either an annual or semi-annual basis.

~~(d)~~(b) Regulatory assessment fees are considered paid on the date they are postmarked by the United States Postal Service or received and logged in by the Commission's Division of The Commission Clerk and Administrative Services in Tallahassee. Fees are considered timely paid if properly addressed, with sufficient postage and postmarked no later than the due date.

(3) through (5) No change.

(6) A utility may request from the Division of the Commission Clerk and Administrative Services either a 15-day extension or a 30-day extension of its due date for payment of regulatory assessment fees or for filing its return. Commission Form PSC/CCA 124 (Rev. 01/01/05), entitled "Regulatory Assessment Fee Extension Request", is incorporated into this rule by reference and may be obtained from the Commission's Division of the Commission Clerk and Administrative Services.

(a) The request for extension will be granted if the utility has applied for the extension within the time required in (b) below and the utility does not have any unpaid regulatory assessment fees, penalties or interest due from a prior period must be written and accompanied by a statement of good cause.

(b) No change.

(c) Where a utility receives either a 15-day extension or a 30-day extension of its due date pursuant to this rule, the utility shall remit a charge in addition to the regulatory assessment fee set out in Section 350.113, F.S.

(7) No change.

(8) Any utility ~~that which~~ requests and receives an extension of not more than 30 days or remits, by the due date, an estimated fee payment of at least 90 percent of the actual fee due shall not be charged interest or penalty on the balance due if paid within the extension period.

(9) Any utility ~~that which~~ fails to pay a penalty within 30 days after its assessment by the Commission shall be subject to interest applied to the penalty up to and including the date of payment of the penalty. Such interest shall be compounded monthly, based on the 30-day commercial paper rate for high-grade, unsecured notes sold through dealers by major corporations in multiples of \$1,000 as regularly published in the Wall Street Journal.

Specific Authority 350.127(2) FS. Law Implemented 350.113, 367.145, 367.161 FS. History--New 5-18-83, Formerly 25-10.24, Amended 10-16-86, Formerly 25-10.024, Amended 11-9-86, 2-8-90, 7-8-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Slemkewicz

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 30, No. 31, July 30, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Group Insurance

RULE CHAPTER TITLE: State Group Health Self-Insurance Plan
RULE CHAPTER NO.: 60P-2

RULE TITLE: Effective Date of Coverage
RULE NO.: 60P-2.004

PURPOSE AND EFFECT: To clarify the coverage procedures when premiums for any State Group Health Program are paid partially or entirely by direct payment.

SUMMARY: Neither receipt of direct payment, endorsement, or deposit of premium by the Department or its agent provides coverage, if, for any reason, the subscriber or any eligible dependents are later found to be ineligible to participate.

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

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

SPECIFIC AUTHORITY: 110.123(5) FS.

LAW IMPLEMENTED: 110.123 FS.

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

TIME AND DATE: 2:00 p.m., January 10, 2005

PLACE: Department of Management Services, 4050 Esplanade Way, Conference Room One, Tallahassee, FL 32399
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeff Dykes, Chief, Bureau of Accounting and Financial Management, Division of State Group Insurance, 4040 Esplanade Way, Tallahassee, FL 32399-0950, (850)921-4400

THE FULL TEXT OF THE PROPOSED RULE IS:

60P-2.004 Effective Date of Coverage.

(1) The effective date of coverage requested by the employing agency for enrollment or changes in coverage in the Health Program by an employee shall always be the first day of a month, subject to the following:

(a) Subject to the requirements of subsections (2), (3), and (4), the requested effective date for new enrollees shall be no later than the first day of the month for which a full month's premium may be deducted using single deductions based upon the employee's signature date on the application.

(b) The requested effective date shall be no earlier than the first day of the month following the employee's signature date; however, in no case shall such effective date be prior to or on the employee's employment date.

(2) The coverage of an employee applying for enrollment during his or her initial enrollment period shall become effective as follows:

(a) If the employee's agency personnel office enters the application information as required in subsection 60P-2.002(4), F.A.C., into the state insurance computer system data base prior to the requested effective date, coverage shall be effective on the date requested.

(b) If the employee's agency personnel office does not enter the application information as required in subsection 60P-2.002(3), F.A.C., into the state insurance computer system data base, coverage shall be effective on the date requested provided the Department receives the completed application prior to the requested effective date. If the application is received by the Department after the requested effective date, coverage shall be effective on the first day of the month following the date the application is received. However, if the proper full month's premium is received by the Department prior to the requested effective date, coverage shall become effective on the date requested, even though the application may not be received until after such date.

(3) Coverage changes shall be effective as follows:

(a) If the completed application for a family to individual coverage change is received by the Department before the requested effective date, but after a designated monthly payroll due date, such change shall be effective on the date requested.

(b) If the completed application for an individual to family coverage change is received by the Department after the designated monthly payroll due date but before the requested date of coverage, such change shall be effective on the date requested provided the employee's personal check or money order for the additional employee contribution not payroll deducted is received by the Department prior to the requested effective date. If the completed application is received after the requested effective date, the coverage change shall be effective the first of the month following the date such application and additional employee contribution are received.

(4) The effective date of coverage for an eligible dependent acquired while family coverage is in effect shall be the date such dependent is acquired.

(5) Changes in coverage requested by a retiree or surviving spouse shall become effective the first day of the month following receipt of a written request for such changes by the Department.

(6) The effective date of all enrollments and or changes made during the open enrollment period shall be designated by the Department.

(7) The effective date of coverage for an employee enrolling due to a pending retirement application shall be no later than the retirement date.

(8) The effective date of coverage for enrollment or changes will be determined by the Department if an error or omission occurs by the employee's agency personnel office.

(9) Receipt of direct payment, endorsement, or deposit of premium by the Department or its agent does not provide coverage if after receipt of the payment, its endorsement, or deposit, the Department or its agent determines that the employee, retiree, or COBRA participant or dependent is not eligible to participate in the State Group Health Program. Upon determination of ineligibility, including failure to make timely payments, the premium received shall be fully reimbursed.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 10-8-78, Amended 10-22-79, 7-1-80, 9-13-82, 8-7-83, Formerly 22K-1.17, Amended 7-16-86, 9-25-86, Formerly 22K-1.204, Amended 8-22-96, Repromulgated 1-31-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Dykes, Chief, Bureau of Accounting and Financial Management, Division of State Group Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John J. Matthews, Director, Division of State Group Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Group Insurance

RULE CHAPTER TITLE: State Group Life Insurance Plan
 RULE CHAPTER NO.: 60P-3

RULE TITLE: Enrollment
 RULE NO.: 60P-3.005

PURPOSE AND EFFECT: To clarify the coverage procedures when premiums for the State Group Life Insurance Plan are paid partially or entirely by direct payment.

SUMMARY: Neither receipt of direct payment, endorsement, or deposit of premium by the Department or its agent provides coverage, if, for any reason, the subscriber or any eligible dependents are later found to be ineligible to participate.

SPECIFIC AUTHORITY: 110.123(5) FS.

LAW IMPLEMENTED: 110.123 FS.

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

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

SPECIFIC AUTHORITY: 110.123(5) FS.

LAW IMPLEMENTED: 110.123 FS.

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

TIME AND DATE: 2:00 p.m., January 10, 2005

PLACE: Department of Management Services, 4050 Esplanade Way, Conference Room One, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeff Dykes, Chief, Bureau of Accounting and Financial Management, Division of State Group Insurance, 4040 Esplanade Way, Tallahassee, FL 32399-0950, (850)921-4400

THE FULL TEXT OF THE PROPOSED RULE IS:

60P-3.005 Enrollment.

(1) An employee may apply through his or her personnel office before or during the initial eligibility period or during the open enrollment period. A state officer may apply during the first sixty (60) calendar days after beginning a new term of office or during the open enrollment period.

(2) It shall be the responsibility of the employing agency to assist the employee in completing the application, entering information into the insurance data base, placing a copy of such application in the employee's personnel file and forwarding the application to the Department.

(3) Participation in the Life Plan shall be voluntary on the part of all employees or retirees. If the employee or retiree does not elect to enroll in the Life Plan, he or she must give written

refusal. If an employee's refusal is not received by the employing agency within sixty (60) calendar days of employment, the agency shall immediately certify such lack of action in writing and shall place it in the employee's personnel file and a copy shall be given to the employee.

(4) Receipt of direct payment, endorsement, or deposit of premium by the Department or its agent does not provide coverage if after receipt of the payment, its endorsement, or deposit, the Department or its agent determines that the employee or retiree is not eligible to either participate in the State Group Life Insurance Plan or is not eligible for the coverage elected. Upon determination of ineligibility, including failure to make timely payments, the premium received shall be reimbursed.

Specific Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 8-12-80, Formerly 22K-1.45, 22K-1.045, 22K-1.303, Amended 8-26-96, Repromulgated 1-31-02, Amended _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Dykes, Chief, Bureau of Accounting and Financial Management, Division of State Group Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John J. Matthews, Director, Division of State Group Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER TITLE	RULE CHAPTER NO.:
Approved Forms	60S-9
RULE TITLE:	RULE NO.:
Division Forms	60S-9.001

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is the adoption of twelve new Division forms, thirty revised Division forms, and the adoption of five State Board of Administration forms utilized by the Division, three of which replace Division maintained forms.

SUMMARY: The twelve new Division Forms are comprised of five new Bureau of Retirement Calculations forms and seven new Bureau of Benefit Payments forms as follows.

- The Five New Bureau of Retirement Calculations Forms:
- *Form DP-EXT* is created for specified K-12 instructional personnel to apply for extended Deferred Retirement Option Program (DROP) participation, up to 36 months beyond their initial 60-month DROP participation period, as provided in Section 121.091(13), F.S.
- *Form PRO-1* is created for the member to authorize the direct rollover or trustee to trustee transfer of funds to the Florida Retirement System Pension Plan for the purchase of prior service pursuant to the provisions of Section 112.215(13), F.S., after enabling federal legislation in the

“Economic Growth and Tax Reconciliation Act of 2001” became effective January 1, 2002.

- *Forms HIS-IP* and *HIS-IP-2* are created for Public Employee Optional Retirement Program retirees to apply for benefits under the Health Insurance Subsidy Program as provided in Section 121.4501(18), F.S., and Section 112.363, F.S.
- *Form SA-1* is created to supplement *Option Selection for FRS Members*, Form FRS-11o when the spousal acknowledgment section of the FRS-11o form is not completed when submitted to the Division as required by Section 121.091, F.S.
- The Seven New Bureau of Benefit Payments Forms:
- *Form DROLL* is created for surviving beneficiaries of deceased DROP participants to select their payout method of DROP monies as provided in Section 121.091(c)5.b., F.S.
- *Form DIS-2* is created to allow a surviving child to disclaim retirement benefits as provided in Section 121.091(8)(b) and 689.21, F.S.
- *Form DIS-3* is created for use by one who is a surviving child and beneficiary to disclaim his or her rights to retirement benefits as provided in subsection 121.091(8)(b) and 689.21, F.S.
- *Form DP-VOID* is created for use by a FRS employer to notify the Division that a DROP participant's resignation has been rescinded and that such employee will continue employment beyond their DROP end date resulting in that employee's retirement and DROP election being deemed null and void t as is provided in subsection 121.091(c)5.d., F.S.
- *Form SRA-1* is created for FRS Pension Plan members to request service retirement benefits while pursuing the appeal process resulting from a denial of an application for disability retirement benefits.
- *Form PR-13* is an application created for Public Employee Optional Retirement Program members to apply for disability retirement under the Florida Retirement System Pension Plan as provided in Section 121.591(2), F.S.
- Form PR-11o is the benefit option selection form created for use by Public Employee Optional Retirement Program members who apply for disability benefits as is provided in Section 121.591(2), F.S.
- The Thirty revised Division forms are comprised of Three Bureau of Enrollment and Contribution forms, sixteen Bureau of Retirement Calculations forms, ten Bureau of Benefit Payment forms and one Administration form as follows:
- The Three Revised Bureau of Enrollment and Contribution Forms:
- Form BEN-001 is revised to add “Pension Plan” to the form header, to section 1 of the form and to the Designation of Beneficiary explanation to clarify form purpose and use.

- *Form FRS-404* is revised to reflect the change from 10-year vesting to 6-year vesting as provided in Section 121.021(45), F.S.
 - *Form FRS-405* is revised in sections A and B to clarify special risk criteria in accordance with Section 121.0515, F.S., and to correct a statute reference from Section 943.1395, F.S., to Section 633.35, F.S.
 - The Sixteen Revised Bureau of Retirement Calculation Forms:
 - Forms, FR-11, FC-1, MF-2, FR-23, FR-23A, FR30A, FRS-11o, FST-11o, and are revised to add “Pension Plan” to the form header to clarify form purpose and use.
 - *Form FR-9* and *Form DP-ELE* are revised to add “Pension Plan” to the form headers to clarify form purpose and use and to correct the statutory reference for the definition of “instructional personnel” to be Section 1012.01(2), F.S.
 - *Form FR-28* is revised to add “Pension Plan” to the form header, to the title of the “Requirements” section, and to the first bulleted item within that section for further clarification of form purpose and use. This form is also revised to reflect the change in vesting from 10 years to 6 years as provided with Section 121.021(45), F.S.
 - *Forms TR-4 and TR-11* are revised by reformatting to conform to the Division’s automated processing standards and adding a barcode.
 - *Form MF-1* is revised to add “Pension Plan” to the form header for further clarification of form purpose and usage, to reflect the change in vesting from 10 years to 6 years as provided with Section 121.021(45), F.S., and to add the ending date of the Persian Gulf War as described in Section 1.01(14)(g), F.S.
 - *Form DP-11* is revised to add “Pension Plan” to the form header to clarify form purpose and use and to add the verbiage “including any period of DROP participation” to the Option 2 benefit payment explanation for clarification.
 - *Form FR-30* is revised to add “Pension Plan” to the form header to clarify form purpose and use; change the references on the first line of Section B from “member” to “employee”; and made changes to provide clarity in form completion and determine eligibility to purchase service credit in accordance with Section 121.1115 and 121.1122, F.S., a line was added to determine if employee was a member of the plan, changed description of defined benefit in question #1, added question regarding employee contributions, deleted the original question #4 regarding service credit from another state.
 - The Ten Revised Bureau of Benefit Payments Forms.
 - *Forms DP-12 and FST-11so-2* are revised to reformat the notary block by removing the date alongside the signature line to eliminate discrepancies between notarization and signature dates.
 - *Form FR-13* is revised to delete the reference “the other side of the page” from the instruction sheet, to add a line to accommodate the member’s e-mail address, and to change the vesting reference from 10 years to 8 years in the first instructional page as provided in Section 121.021(45), F.S.
 - *Form HIS-1* is revised to add Pension Plan to the header of the form for clarity of use and purpose.
 - *Forms FST-12, JA-1, FST-11b, and FST-11g* are revised to add Pension Plan to the header of the form for clarity of form use and purpose and to reformat the notary block by removing the date alongside the signature line to eliminate discrepancies between notarization and signature dates.
 - *Form TR-11c* is revised to amend the former reference to reverse side of the form in item 2 to read page 2 of form and to reformat the notary block by removing the date alongside the signature line to eliminate discrepancies between notarization and signature dates.
 - *Form DIS-1* form is revised to delete the words “Under the Florida Retirement System” from the title and to reformat the notary block by removing the date alongside the signature line to eliminate discrepancies between notarization and signature dates.
 - The One Revised Administration Form:
 - *Form SAPS* is revised to delete “Management Review Section” and replace it with “DMS-Office of the Inspector General, Audit Section” to reflect changes in the organizational structure for the Audit Section.
 - The Five State Board of Administration (SBA) Forms to be adopted by reference are as follows:
 - *Forms OCC-1, SMS-3 and EOC-1* were previously Division maintained forms and are being deleted as Division forms and herein are incorporated by reference within this Rule Chapter as State Board of Administration Enrollment and Election Forms for the Florida Retirement System as described in Section 121.4501, F.S.
 - *Forms OCC-2 and SMS-1* State Board of Administration Enrollment and Election Forms are herein incorporated by reference for use by the Division for the Florida Retirement System as described in Section 121.4501, F.S.
- SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No State 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: 121.031 FS.
- LAW IMPLEMENTED: 1.01, 112.215, 112.361, 112.363, 120.55, 121.011, 121.015, 121.021, 121.031(2), 121.051, 121.0515, 121.081, 121.091, 121.111, 121.1115, 121.1122, 121.121, 121.125, 121.4501, 121.591, 122.08, 122.09, 215.28, 238.05, 238.06, 238.07, 689.21, 1012.01 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., Tuesday, January 11, 2005

PLACE: Division of Retirement, Cedars Executive Center, Building C, Director’s Conference Room, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Clifford, Senior Benefits Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-9.001 Division Forms.

(1)(a) Bureau of Enrollment and Contributions.

FORM NO./ REVISION DATE	TITLE
1.(a) BEN-001 (6/04) (Rev. 7/00)	<u>Florida Retirement System Pension Plan</u> Beneficiary Designation Form Active Members Only
2.(b) FRS-400 (Rev. 4/00)	Application for Special Risk Membership Law Enforcement/Correctional Officers
3.(c) FRS-401 (Rev. 7/99)	Special Risk Credit for Past Service
4.(d) FRS-402 (Rev. 10/01)	Application for Special Risk Equivalent Credit
5.(e) FRS-404 (Rev. 11/02) (8/99)	<u>Florida Retirement System Pension Plan</u> Application for Special Risk Administrative Support Class
6.(f) FRS-405 (Rev.10/03) (Rev. 10/01)	<u>Florida Retirement System Pension Plan</u> Application for Special Risk Membership Firefighters/Paramedics/EMTs
7.(g) ERQ-1 (Rev. 8/99)	Employment Relationship Questionnaire
8.(h) BLE-1 (8/99)	Ballot for Member of an Existing Retirement System
(i) SMS-3 (Rev. 8/99)	SMSC Ballot/Enrollment Form for Local Agency Employees
9.(j) SMSD-1 (Rev. 8/00)	Senior Management Service Class Designated Position Form
(k) EOC-1 (Rev. 8/01)	Ballot Form for Employees of Elected Officers’ Class
(l) OCC-1 (Rev. 7/99)	Ballot/Enrollment Form for Community Colleges Optional Retirement Program Employees

(b) State Board of Administration – Enrollment and Election forms.

FORM NO./REVISION DATE	TITLE
1. OCC-1 (07/04)	<u>Community College Optional Retirement Program (CCORP) Retirement Plan Choice Form for Eligible Employees</u>
2. OCC-2 (11/04)	<u>Retirement Plan Conversion Form for Community College Optional Retirement Program (CCORP) Members</u>
3. SMS-1 (Rev. 07/04)	<u>State Senior Management Service Employees Retirement Plan Enrollment Form</u>
4. SMS-3 (Rev 07/04)	<u>Local Senior Management Service Employees Retirement Plan Enrollment Form</u>
5. EOC-1 (Rev. 07/04)	<u>Elected Officers’ Class Employees Retirement Plan Enrollment Form</u>

(2) Bureau of Retirement Calculations.

FORM NO./REVISION DATE	TITLE
(a) FR-9 (Rev. 6/04) (Rev. 9/01)	<u>Florida Retirement System Pension Plan</u> Information Request
(b) FR-11 (Rev. 6/04) (Rev. 11/01)	<u>Florida Retirement System Pension Plan</u> Application for Service Retirement
(c) SR-11 (Rev. 5/87)	SCOERS Application for Service Retirement
(d) TR-11 (Rev. 7/99) (Rev. 9/92)	Teachers’ Retirement System Application for Service Retirement
(e) FR-28 (Rev. 6/04) (Rev. 7/99)	<u>Division of Retirement Pension Plan</u> Application to Purchase Retirement Credit for a <u>Pension Plan</u> Leave of Absence
(f) MF-1 (Rev. 7/04) (Rev. 7/00)	<u>Florida Retirement System Pension Plan</u> Statement of Military Eligibility
(g) TR-4 (Rev. 4/99) (Rev. 11/83)	<u>Florida Retirement System</u> Verification of Out-of-State Teaching Service
(h) through (i)	No change.
(j) FC-1 (Rev. 7/04) (Rev. 11/01)	<u>Florida Retirement System Pension Plan</u> Salary Certification

(k) MF-2 (Rev. 7/04) (7/99)	<u>Florida Retirement System Pension Plan Statement of Military Eligibility to Purchase Military Service Under the Out-of-State Provisions of Section 121.1115, F.S.</u>	(3) Bureau of Benefit Payments.	
(l) FR-23 (Rev. 7/04) (Rev. 7/99)	<u>Florida Retirement System Pension Plan Notification of Reemployment for Suspension of Retirement Benefits</u>	FORM NO./REVISION DATE	TITLE
(m) FR-23a (Rev. 7/04) (Rev. 7/99)	<u>Florida Retirement System Pension Plan Application to Reactivate Retirement Benefits</u>	(a) FR-13 (Rev. 02/04) (Rev. 8/00)	<u>Florida Retirement System Pension Plan FRS Application for Disability Retirement</u>
(n) FR-30 (Rev. 7/04) (Rev. 7/99)	<u>Florida Retirement System Pension Plan Verification for In-State or Out-of-State Service Credit</u>	(b) through (p) No change.	
(o) FR-30a (Rev. 7/04) (7/99)	<u>Florida Retirement System Pension Plan Out-of-State Employer Request</u>	(q) HIS-1 (Rev. 7/02) (Rev. 7/04)	Florida Retirement System Health Insurance Subsidy Certification Form
(p) FRS-11o (Rev. 7/04) (Rev. 7/99)	<u>Florida Retirement System Pension Plan Option Selection for FRS Members</u>	(r) FST-12 (Rev. 12/02) (Rev. 7/99)	<u>Florida Retirement System Pension Plan Beneficiary Designation Form (Retired Members Only)</u>
(q) FST-11o (Rev. 7/04) (7/99)	<u>Florida Retirement System Pension Plan Option Selection for TRS and SCOERS Members</u>	(s) JA-1 (Rev.12/02) (Rev. 7/99)	<u>Florida Retirement System Pension Plan Change of Joint Annuitant Form (Retired Members Only)</u>
(r) DP-ELE (Rev. 7/04) (Rev. 9/04)	<u>Florida Retirement System Pension Plan Notice of Election to Participate in the Deferred Retirement Option Program (DROP) and Resignation of Employment</u>	(t) AAPS (Rev. 8/00)	Affidavit Attesting to Payee Status Military Eligibility
(s) DP-11 (Rev. 7/04) (Rev. 9/04)	<u>Florida Retirement System Pension Plan Application for Service Retirement and the Deferred Retirement Option Program (DROP)</u>	(u) FST-11b (Rev. 12/02) (Rev. 7/99)	<u>Florida Retirement System Pension Plan Application of Beneficiary for Monthly Retirement Benefits</u>
(t) to (u) No change.		(v) FST-11g (Rev. 12/02) (Rev. 7/99)	<u>Florida Retirement System Pension Plan Application of Beneficiary for Benefit Payment Refund</u>
(v) DP-EXT (6/03)	<u>Florida Retirement System Pension Plan Extension of Deferred Retirement Option Program (DROP) for Specified K-12 Instructional Personnel</u>	(w) TR-11c (Rev. 12/02) (Rev. 7/99)	<u>Teachers Retirement System Application for Survivor Benefits</u>
(w) PRO-1 (12/02)	<u>Florida Retirement System Pension Plan (401(a) Plan) Pretax Direct Rollover/Transfer Form</u>	(x) through (aa) No change.	
(x) HIS-IP (7/04)	<u>Florida Retirement System (FRS) Application for Health Insurance Subsidy for Investment Plan Members</u>	(bb) DIS-1 (Rev. 12/02) (Rev. 5/00)	<u>Florida Retirement System Pension Plan Disclaimer of Benefits</u>
(y) HIS IP-2 (7/04)	<u>Florida Retirement System Health Insurance Subsidy Certification for Investment Plan Members</u>	(cc) through (hh) No change.	
(z) SA-1 (5/00)	<u>Division of Retirement Spousal Acknowledgement</u>	(ii) DP-12 (Rev. 09/02) (5/00)	<u>Florida Retirement System Beneficiary Designation Form for the Alternate Payee of a DROP Participant</u>
		(jj) SB-13b (Rev. 3/01)	Physician's Report
		(kk) FST-11so2 (Rev. 12/02) (2/00)	Florida Retirement System Application for Survivor Benefits
		(ll) DP-TEOC (9/01)	Florida Retirement System Deferred Retirement Option Program (DROP) Elected Officers' Termination Notification
		(mm) DROLL (1/02)	<u>Beneficiary Direct Rollover Election Form</u>
		(nn) DIS-2 (8/03)	<u>Florida Retirement System Pension Plan Disclaimer of Benefits</u>
		(oo) DIS-3 (8/03)	<u>Florida Retirement System Pension Plan Disclaimer of Benefits</u>
		(pp) DP-VOID (4/03)	<u>Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Void Form</u>

<u>(qq) SRA-1 Rev.</u> <u>(7/04)</u>	<u>Florida Retirement System</u> <u>Service Retirement Agreement</u>
<u>(rr) DP-EXT</u> <u>(6/03)</u>	<u>Florida Retirement System Pension Plan</u> <u>Extension of Deferred Retirement Option</u> <u>Program (DROP) for Specified K-12</u> <u>Instructional Personnel</u>
<u>(ss) PR-13</u> <u>(7/04)</u>	<u>Florida Retirement System Investment</u> <u>Plan Application for Disability</u> <u>Retirement</u>
<u>(tt) PR-11o</u> <u>(7/04)</u>	<u>Florida Retirement System Investment</u> <u>Plan Option Selection for FRS Members</u>

(4) Administration.

FORM NO./REVISION DATE	TITLE
(a) SAPS <u>(Rev. 10/02)</u> (8/00)	<u>Florida Retirement System</u> Statement Attesting to Payee Status

Specific Authority 121.031 FS. Law Implemented 1.01, 112.215, 112.361, 112.363, 120.55, 121.011, 121.015, 121.021, 121.031(2), 121.051, 121.0515, 121.081, 121.091, 121.111, 121.115, 121.112, 121.121, 121.125, 121.4501, 121.591, 122.08, 122.09, 215.28, 238.05, 238.06, 238.07, 689.21, 1012.01 FS. History—New 9-9-82, Amended 2-6-84, 11-6-84, 4-17-85, Formerly 22B-9.01, Amended 6-4-86, 12-5-90, Formerly 22B-9.001, Amended 1-4-93, 1-18-94, 4-26-94, 1-10-95, 11-2-95, 12-28-95, 3-12-96, 12-16-97, 10-14-98, 4-26-99, 1-24-00, 12-19-00, 2-6-01, 3-18-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarabeth Snuggs, Director, Division of Retirement
 NAME OF SUPERVISOR OF PERSON WHO APPROVED THE PROPOSED RULE: Garry Green, Operations and Management Consultant Manager, Division of Retirement
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 22, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Continuing Education Requirements for Renewal for Certificateholders and Registrants
 RULE NO.: 61G6-9.004

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the minimum number of continuing education hours required in an approved provider's specialized or advanced module course on any portion of the Florida Building Code, relating to the contractor's respective discipline.

SUMMARY: The proposed rule amendment specifies that one of the 14 required continuing education hours must be obtained by completing an approved provider's specialized or advance course on any portion of the Florida Building Code.

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

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

SPECIFIC AUTHORITY: 120.52(15), 120.54(1), 455.2124, 489.507(3) FS.

LAW IMPLEMENTED: 455.2124, 489.513(3), 489.517(3) FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-9.004 Continuing Education Requirements for Renewal for Certificateholders and Registrants.

(1) through (5) No change.

(6) A minimum of one of the 14 required classroom hours of continuing education must be obtained by completing an approved provider's specialized or advanced module course, approved by the Florida Building Commission, on any portion of the Florida Building Code, relating to the contractor's respective discipline.

Specific Authority 120.52(15), 120.54(1), 455.2124, 489.507(3) FS. Law Implemented 455.2124, 489.513(3), 489.517(3) FS. History—New 11-30-94, Amended 4-22-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 19, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Disciplinary Guidelines
 RULE NO.: 61G8-30.001

PURPOSE AND EFFECT: The Board proposes to substantially reword this rule to make language updates regarding disciplinary guidelines for imposition of penalties by the Board for licensures in violation of the statutes referenced in the instant rule.

SUMMARY: The substantial rewording amends and revamps language relating to the recommended penalty ranges for disciplinary guidelines for violations of provisions of Chapter 470 or 455, Florida Statutes.

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: 455.2273, 470.005 FS.

LAW IMPLEMENTED: 455.2273, 470.019, 470.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G8-30.001 follows. See Florida Administrative Code for present text.)

61G8-30.001 Disciplinary Guidelines.

(1) When the Board finds an applicant or licensee whom it regulates under Chapter 470, F.S., has violated any provisions of Chapter 470 or 455, F.S., it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines.

<u>Violator</u> <u>DD; DDIC.</u> <u>FD/DDIC.</u> <u>DD Estab.</u>	<u>Violator</u> <u>FD, FD&E, FDIC.</u> <u>Fun Estab.</u>	<u>Violation Summary</u>	<u>Penalty Range</u> <u>1st Offense</u>	<u>Penalty Range</u> <u>Subsequent Offenses</u>
470.031	470.031			
470.031(1)(a); 455.227(1)(k)(1)(o); (1)(b) if inentional; 470.019(2)(g)	470.031 (1)(a); 455.227(1)(o); (1)(b) if intentional	Practice FD, DD or Embalming without a license	6 mos – 1 yr. suspension with usual conditions + costs + reference to State Attorney for Misdemeanor – Punishable pursuant to 775.082 or 775.083 or	Fine of \$1000 + costs, 1 yr suspension with usual conditions – Revocation or Denial + reference to State Attorney for Misdemeanor – Punishable pursuant to 775.082 or 775.083
470.031(1)(b)	470.031(1)(b)	Use Name/title FD, Embalmer or DD when not licensed	6 mos – 1 yr suspension with usual conditions + costs + reference to State Attorney for Misdemeanor – Punishable pursuant to 775.082 or 775.083	Fine of \$1000 + costs, 1 yr suspension with usual conditions – Revocation or Denial + reference to State Attorney for Misdemeanor – Punishable pursuant to 775.082 or 775.083
470.031(1)(c)	470.031(1)(c)	Represent as your own license of another	6 mos – 1 yr suspension with usual conditions + costs + reference to State Attorney for Misdemeanor – Punishable pursuant to 775.082 or 775.083	Fine of \$1000 costs, 1 yr suspension with usual conditions – Revocation or Denial + reference to State Attorney for Misdemeanor – Punishable pursuant to 775.082 or 775.083

470.031(1)(d)	470.031(1)(d)	Give false or forged evidence to obtain license	6 mos – 1 yr suspension with usual conditions + costs + reference to State Attorney for Misdemeanor – Punishable pursuant to 775.082 or 775.083	Fine of \$1000 + costs, 1 yr suspension with usual conditions – Revocation or Denial + reference to State Attorney for Misdemeanor – Punishable pursuant to 775.082 or 775.083
470.031(1)(e)	470.031(1)(e)	Attempt to or use a suspended or revoked license	6 mos – 1 yr suspension with usual conditions + costs + reference to State Attorney for Misdemeanor – Punishable pursuant to 775.082 or 775.083	Fine of \$1000 + costs, 1 yr suspension with usual conditions – Revocation or Denial + reference to State Attorney for Misdemeanor – Punishable pursuant to 775.082 or 775.083
470.031(1)(f)	470.031(1)(f)	Knowingly employ an unlicensed person in the practice	6 mos – 1 yr suspension with usual conditions + costs + reference to State Attorney for Misdemeanor – Punishable pursuant to 775.082 or 775.083	Fine of \$1000 + costs, 1 yr suspension with usual conditions – Revocation or Denial + reference to State Attorney for Misdemeanor – Punishable pursuant to 775.082 or 775.083
470.031(1)(g)	470.031(1)(g)	Knowingly conceal info. relative to violations of Ch. 470	6 mos – 1 yr suspension with usual conditions + costs + reference to State Attorney for Misdemeanor – Punishable pursuant to 775.082 or 775.083	Fine of \$1000 + costs, 1 yr suspension with usual conditions – Revocation or Denial + reference to State Attorney for Misdemeanor – Punishable pursuant to 775.082 or 775.083
470.031(1)(h)	470.031(1)(h)	Operate an unlicensed cinerator facility	6 mos – 1 yr suspension with usual conditions + costs + reference to State Attorney for Misdemeanor – Punishable pursuant to 775.082 or 775.083	Fine of \$1000 + costs, 1 yr suspension with usual conditions – Revocation or Denial + reference to State Attorney for Misdemeanor – Punishable pursuant to 775.082 or 775.083
470.0315	470.0315			
470.0315	470.0315	Storage, preservation & transportation of dead human bodies		
470.0315(1)	470.0315(1)	Store or maintain remains except at a licensed establishment or facility, health care facility, Med. Examiner’s facility, morgue, or cemetery holding facility	Fine of \$500-1000 + costs, 6 mos – 1 yr probation with usual conditions	Fine of \$1000-2500 + costs, 1 yr – 2 year probations with usual conditions
470.0315(2)	470.0315(2)	Hold in place or transit over 24 hours unless body refrigerated, embalmed or otherwise preserved	Fine of \$500-1000 + costs, 6 mos – 1 yr probation with usual conditions	Fine of \$1000-2500 + costs, 1yr – 2yr probations with usual conditions

470.0315(4)	470.0315(4)	Transported human remains must be placed in a container adequate to prevent seepage of fluids and offensive odors, and accompanied by a burial transit permit	Fine of \$500-1000 + costs, 6 mos – 1 yr probation with usual conditions	Fine of \$1000-2500 + costs, 1yr – 2yr probations with usual conditions
470.034	470.034			
470.034 Disclosure of Information	470.034 Disclosure of Information	Licensee offering services to public who: (1) fails to provide by phone on request retain prices for merchandise or services (2) fails to fully disclose all available services and merchandise prior to casket selection and cost of all items not to be disposed of w/body (3) makes false or misleading statement regarding embalming or casketing needs (4) fails to disclose, when disclosure is desired, the components of the prices for alternatives.	Fine of \$500-1000 + costs, 6 mos – 1yr probation with usual conditions	Fine of \$2500-5000 + costs, 1-2 yr probation with usual conditions
470.035	470.035			
470.035(1)	470.035(1)	Fails to provide itemized price list as described before discussion of selection	Fine of \$500-1000 + costs, 6 mos – 1 yr probation with usual conditions	Fine of \$2500-5000 + costs, 1-2 yr probation with usual conditions
470.035(2)	470.035(2)	Fails to include name, address and phone number of the funeral establishment and required statement in price list required in §(1)	6 mos – 1 yr suspension with usual conditions + Costs	Fine of \$1000, 1 yr suspension with usual conditions – Revocation + costs
470.035(3)	470.035(3)	Fails to furnish price list required in this section when making arrangements	Fine of \$500-1000 + costs, 6 mos – 1 yr probation with usual conditions	Fine of \$2500-5000 + costs, 1-2 yr probation with usual conditions
470.035(4)	470.035(4)	Fails to include name, address and phone number of the funeral establishment and required statement in price list required in §(3)	Fine of \$500-1000 + costs, 6 mos – 1 yr probation with usual conditions	Fine of \$2500-5000 + costs, 1-2 yr probation with usual conditions
470.035(5)	470.035(5)	Fails to include signatures of customer, FD and date signed	Fine of \$500-1000 + costs, 6 mos – 1 yr probation with usual conditions	Fine of \$2500-5000 + costs, 1-2 yr probation with usual conditions
470.019	470.036(1)			
	(A) by violating 470.031 (a-h) (See above) or 455.227(1) (See below)	See specific individual statutory citations above or below		
470.019(2)(a); 455.227 (1)(h); (1)(q); (1)(b) if intentional	470.036(1)(b); 455.227 (1)(h); (1)(q); (1)(b) if intentional 470.031(1)(d)	Getting or attempting to get license by bribery or fraudulent misrepresentation	6 mos – 1 yr suspension with usual conditions + Costs	Fine of \$1000, 1 yr suspension with usual conditions – Revocation or Denial + costs

	<u>470.036(1)(c); 455.227 (1)(f); (1)(q)</u>	<u>Having similar license revoked, suspended or acted against including denial in another jurisdiction</u>	<u>Reprimand, Fine of \$1000-2500 + costs</u>	<u>Fine of \$2500-5000, Revocation or Denial + costs</u>
<u>470.019(2)(b); 455.227 (1)(c)</u>	<u>470.036(1)(d); 455.227 (1)(c)</u>	<u>Being convicted, pleading nolo, regardless of adjudication to crime directly relates to practice or ability to do so</u>	<u>Reprimand, fine of \$1000-2500 + costs</u>	<u>Fine of \$2500-5000, Revocation or denial + costs</u>
<u>470.019(2)(q); 455.227(1)(a); (1)(1); (i)(b)</u>	<u>470.036(1)(e); 455.227(1)(a); (1)(1); (i)(b)</u>	<u>Knowingly filing false report, failing to file required report or impeding filing report requiring signature of licensee</u>	<u>Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions</u>	<u>Reprimand, Fine of \$2500-5000, Revocation or Denial + Costs – 2 yr probation with usual conditions</u>
<u>470.019(2)(1); 455.227(1)(a); (1)(m); (1)(b) if intentional</u>	<u>470.036(1)(f); 455.227(1)(a); (1)(m)(1)(b) if intentional</u>	<u>Fraudulent, false, deceptive or misleading advertising</u>	<u>Reprimand, Fine of \$1000-2500 + Costs, 6 mos-1 yr probation with usual conditions</u>	<u>Reprimand, Fine of \$2500-5000, Revocation or Denial + Costs – 2 yr probation with usual conditions</u>
<u>455.227(1)(a); (1)(m); (1)(b) if intentional</u>	<u>470.036(1)(g); 455.227(1)(a); (1)(m); (1)(b) if intentional</u>	<u>Committing fraud, deceit, negligence, incompetence, or misconduct in practice</u>	<u>Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions</u>	<u>Reprimand, Fine of \$2500-5000, Revocation or Denial + Costs – 2 yr probation with usual conditions</u>
<u>470.019(2)(m); 455.227(1)(q); (1)(b) if intentional</u>	<u>470.036(1)(h); 455.227 (1)(q); (1)(b) if intentional</u>	<u>Violation of Ch. 470 or 455</u>	<u>Reprimand, Fine of \$1000-2500 + Costs, 6 mos – 1 yr probation with usual conditions</u>	<u>Reprimand, Fine of \$2500-5000, Revocation or Denial + costs – 2 yr probation with usual conditions</u>
<u>470.019(2)(m) continued; 455.227(1)(q)</u>	<u>470.036(1)(i); 455.227(1)(g)</u>	<u>Violation of Board or Department disciplinary order or failure to comply with Order or subpoena</u>	<u>Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions</u>	<u>Reprimand, Fine of \$2500-5000, Revocation or Denial + Costs – 2 yr probation with usual conditions</u>
<u>470.019(2)(n)</u>	<u>470.036(1)(j)</u>	<u>Practicing with revoked, suspended, inactive or delinquent license</u>	<u>Fine \$100-500 per month of violation + costs, probation 6 mos – 1 yr. with usual conditions to suspension until compliant</u>	<u>Fine \$500-1000 per month of violation + costs, 1 yr probation with usual conditions – revocation or denial</u>
<u>470.019(2)(d) 455.227(1)(a); (1)(b) if intentional</u>	<u>470.036(1)(k); 455.227(1)(a); (1)(b) if intentional</u>	<u>Misrepresentation or Fraud in practice</u>	<u>Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions</u>	<u>Reprimand, Fine of \$2500-5000, Revocation or Denial + costs – 2 yr probation with usual conditions</u>
<u>470.019(2)(e); 455.227(1)(a); (1)(b) if intentional</u>	<u>470.036(1)(l); 455.227(1)(a); (1)(b) if intentional</u>	<u>False/misleading oral or written statement regarding law or rule</u>	<u>Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions</u>	<u>Reprimand, Fine of \$2500-5000, Revocation or denial + costs, – 2 yr probation with usual conditions</u>
	<u>470.036(1)(m); 455.227(1)(a); (1)(b) if intentional</u>	<u>False/misleading stmt. re sale of service or merchandise connected to regulated activity</u>	<u>Reprimand, Fine of \$500-1000 + costs, 6 mos – 1 yr probation with usual conditions</u>	<u>Reprimand, Fine \$1000-2500 + Costs, 2 yr probation with usual conditions – revocation or denial</u>

470.019(2)(g); 455.227(1)(q)	470.036(1)(n); 455.227(1)(j); (1)(b) if intentional	Aid-abet unlicensed practice	Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions	Reprimand, Fine of \$2500-5000; Revocation or denial + Costs – 2 yr probation with usual conditions
470.019(2)(g) continued; 455.227(1)(k); (1)(o)		Engage in conduct for which a license as an FD or Emb. is required	Fine of \$500-1000 + costs, Reprimand, 6 mos – 1 yr probation with usual conditions	Fine of \$1000-2500, costs, 2 yr probation with usual conditions – Revocation or denial
470.019(2)(h); 455.227(1)(q)	470.036(1)(o); 455.227(1)(q)	Violating any state or local law/rule affecting handling, custody, care or transport of bodies	Fine \$500-1000, Reprimand, Costs	Fine \$2500-5000, Costs, Probation – Revocation or denial
470.019(2)(i); 455.227(1)(q)	470.036(1)(p); 455.227(1)(q); (1)(b) if intentional	Refusing to promptly surrender custody of body on express order of legally authorized person	Reprimand, Fine of \$1000-2500 + costs, 6mos – 1 yr probation with usual conditions	Reprimand, Fine of \$2500-5000, Revocation or denial + costs – 2 yr probation with usual conditions
470.019(2)(f); 455.227(1)(q)	470.036(1)(q); 455.227(1)(q)	Paying or receiving commission/bonus/ kickback or rebate for any regulated activity	Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions	Reprimand, Fine of \$2500-5000, Revocation or denial + costs – 2 yr probation with usual conditions
470.019(2)(j) 455.227(1)(q)	470.036(1)(r); 455.227(1)(q)	Taking possession of body w/out permission from legally authorized person	Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions	Reprimand, Fine of \$2500-5000, Revocation or denial + costs – 2 yr probation with usual conditions
470.019(2)(k) 455.227(1)(a); (1)(q)	470.036(1)(s) 455.227(1)(q)	Requiring casket purchase for cremation or claiming it is required	Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions	Reprimand, Fine of \$2500-5000, Revocation or denial + costs – 2 yr probation with usual conditions
	470.036(1)(t); 470.227(1)(q); (1)(b) if intentional	Embalming w/out prior permission of legally authorized person	Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions	Reprimand, Fine of \$2500-5000, Revocation or denial + costs – 2 yr probation with usual conditions
	470.036(1)(v); 455.227(1)(a); (1)(q); (1)(b) if intentional	Making false or misleading statements about substantial delay in decomposition of remains through embalming, or use of sealed or unsealed casket or container	Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions	Reprimand, Fine of \$2500-5000, Revocation or denial + costs – 2 yr probation with usual conditions
470.019(2)(o); 455.227(1)(q)	470.036(1)(w); 455.227(1)(a); (1)(q)	Solicitation by or on behalf of licensee by fraud, undue influence or other nexatious conduct	Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions	Reprimand, Fine of \$2500-5000, Revocation or denial + costs – 2 yr probation with usual conditions

470.019(2)(c); 455.227(1)(q)	470.036(1)(x); 455.227(1)(q)	Having been disciplined by a regulatory agency in any jurisdiction for an offense that would violate Chapters 470, 245, 382, 406, 497 or 872 or that directly relates to the ability to practice under this chapter	Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions	Reprimand, Fine of \$2500-5000. Revocation or denial + costs – 2 yr probation with usual conditions
470.019				
470.019(2)(p); 455.227(1)(a); (1)(q); (1)(b) if intentional		Fraud or deceit in the practice of direct disposition	Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions	Reprimand, Fine of \$2500-5000. Revocation or denial + costs – 2 yr probation with usual conditions
470.019(2)(r); 455.227(1)(q)		Engaging in the practice of direct burial or offering at-need or preneed service of direct burial	Reprimand, Fine of \$100-2000 + costs, 6 mos – 1 yr probation with usual conditions	Fine \$2500-5000 + costs, 2 yr probation with usual conditions-Revocation
455.227	455.227			
455.227(1)(e); (1)(q)	455.227(1)(e); (1)(q)	Failing to comply with CE course requirements in HIV/AIDS	Become compliant within 30 days, Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions	Become compliant within 30 days, Reprimand, Fine of \$2500-5000. Revocation or denial + costs – 2 yr probation with usual conditions
455.227(1)(g); (1)(q)	455.227(1)(g); (1)(q)	Having been found liable in civil proceedings for knowingly filing false report or complaint against another licensee	Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions	Reprimand, Fine of \$2500-5000. Revocation or denial + costs – 2 yr probation with usual conditions
455.227(1)(i); (1)(q)	455.227(1)(i); (1)(q)	Failing to report person licensee knows is in violation of laws or rules	Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions	Reprimand, Fine of \$2500-5000. Revocation or denial + costs – 2 yr probation with usual conditions
455.227(1)(n); (1)(q)	455.227(1)(n); (1)(q)	Exercising influence on client for financial gain	Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions	Reprimand, Fine of \$2500-5000. Revocation or denial + costs – 2 yr probation with usual conditions
455.227(1)(p); (1)(q)	455.227(1)(r); (1)(q)	Improperly interfering with investigation or inspection	Reprimand, Fine of \$1000-2500 + costs, 6 mos – 1 yr probation with usual conditions	Reprimand, Fine of \$2500-5000. Revocation or denial + costs – 2 yr probation with usual conditions

(2) Based upon consideration of the following factors, the Board may impose disciplinary action other than the penalties recommended in subsections (1) through (5) above:

- (a) The danger to the public;
- (b) The length of time since date of violation;
- (c) The number of complaints filed against the licensee;
- (d) The length of time licensee has practiced;

(e) The actual damage, physical or otherwise, caused by the violation;

- (f) The deterrent effect of the penalty imposed;
- (g) The effect of the penalty upon the licensee’s livelihood;
- (h) Any efforts for rehabilitation;
- (i) The actual knowledge of the licensee pertaining to the violation;

(j) Attempts by licensee to correct or stop violations or refusal by licensee to correct or stop violations;

(k) Related violations against a license in another state including findings of guilt or innocence, penalties imposed and penalties served;

(l) Actual negligence of the licensee pertaining to any violation;

(m) Penalties imposed for related offenses under subsections (1) through (5) above; and

(n) Any other mitigating or aggravating circumstances.

(3) The usual conditions to be imposed are:

(a) Fines and costs are to be paid by cashier's check or money order payable to the Board of Funeral Directors and Embalmers and delivered to the Board office at the Department of Business and Professional Regulation, Board of Funeral Directors and Embalmers, 1940 North Monroe Street, Tallahassee, Florida 32399, within 30 days of the effective date of the Order.

(b) Failure to pay the fine or cost within the time specified in this rule or in the Boards Order shall result in the assessment of interest at the statutory rate, beginning on the thirty-first (31st) day.

(c) When any penalty is imposed, the license is suspended, with the suspension stayed. Failure to comply with any provision of the Final Order shall result in a lifting of the stay.

(d) Continuing Education, when imposed, will be a minimum of three (3) hours and a maximum of six (6) hours per violation and shall be in addition to those hours required for license renewal. Unless otherwise indicated in the Order, all Continuing Education must be completed prior to the lifting of probation or suspension.

(e) Licensee must take and pass the Florida Laws and Rules examination at his/her own expense, prior to the lifting of probation or suspension.

(e) Prior to the lifting of probation or suspension, the licensee must attend an in-person meeting of the Board and demonstrate compliance with the Order and demonstrate by testimony, presentation of letters of recommendation from friends and supervisors within the industry, and other indicia of rehabilitation, that he or she is able to resume practicing within reasonable care and safety and in compliance with the laws of the State of Florida and rules of this Board.

(4) The usual conditions may be altered by the Board at the time discipline is imposed.

(5) The provisions of Sections (1) through (6) above shall not be construed so as to prohibit civil action or criminal prosecution as provided for in Sections 455.227, 470.031(2) or 470.037, F.S., and the provisions of Sections (1) through (6) above shall not be construed so as to limit the ability of the Board to enter into binding stipulations with accused parties as per Section 120.57(3), F.S.

Specific Authority 455.2273, 470.005 FS. Law Implemented 455.2273, 470.019, 470.031, 470.036 FS. History—New 12-15-86, Amended 9-27-88, Formerly 21J-30.001, Amended 7-9-95, 2-11-96, 5-1-96, 8-7-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: RULE NO.:

Written Examination Designated;

General Requirements 61G15-21.001

PURPOSE AND EFFECT: To conform to the examination rules of the National Council of Examiners for Engineers and Surveyors (NCEES), which is the organization that administers the examination.

SUMMARY: To conform to the examination rules of the National Council of Examiners for Engineers and Surveyors (NCEES), which is the organization that administers the examination.

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: 455.217(1) FS.

LAW IMPLEMENTED: 455.217(1), 471.015 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-21.001 Written Examination Designated; General Requirements.

(1) The Florida Board of Engineers hereby determines that a written examination shall be given and passed prior to any applicant receiving a license to practice as a professional engineer, or as an engineer intern in the State of Florida except as provided in Section 471.015, F.S. The examination shall be

provided by the National Council of Examiners for Engineers and Surveyors (NCEES). The examination consists of two parts, each of eight hours. The engineer intern examination is defined to be Part One of the written examination provided by the NCEES. Candidates are permitted to bring certain reference materials and calculators. A list of approved reference materials and calculators will be provided to all candidates prior to each examination. ~~Reference materials are limited to fifteen (15) bound volumes.~~ National examination security requirements as set forth by the NCEES shall be followed throughout the administration of the examination.

(2) No change.

Specific Authority 455.217(1) FS. Law Implemented 455.217(1), 471.015 FS. History—New 1-8-80, Formerly 21H-21.01, Amended 10-5-92, Formerly 21H-21.001, Amended 11-15-94, 10-14-02, 3-9-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Re-examination
RULE NO.: 61G15-21.007
PURPOSE AND EFFECT: To conform the rule to amendments to the enabling statute.
SUMMARY: To conform the rule to amendments to the enabling statute.
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: 455.217(2) FS.
LAW IMPLEMENTED: 455.217(2), 471.011, 471.013, 471.015 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-21.007 Re-examination.

If an applicant fails ~~three~~ **five** times to pass the examination, the applicant must take additional courses in order to reapply for examination. The applicant must submit to the Board of Professional Engineers transcripts for the enrollment and completion of twelve (12) college credit hours of college level courses in the applicant’s area of deficiency. For applicants to take Part I of the engineer examination, such additional courses shall be undergraduate college courses in higher mathematics, basic sciences or engineering as described in paragraphs 61G15-20.007(2)(a), (b), and (d), F.A.C. For applicants to take Part II of the engineer examination, such additional courses shall be upper level or higher courses in engineering, as defined in paragraph 61G15-20.007(2)(d), F.A.C.

Specific Authority 455.217(2) FS. Law Implemented 455.217(2), 471.011, 471.013, 471.015 FS. History—New 1-8-80, Amended 8-25-81, Formerly 21H-21.07, 21H-21.007, Amended 2-14-95, 5-22-01, 12-10-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES: Schedule of Fees
RULE NOS.: 61G15-24.001
Unlicensed Activity Fee 61G15-24.002

PURPOSE AND EFFECT: Purpose and effect for Rule 61G15-24.001, F.A.C., amendment are to eliminate unnecessary and duplicative language, add fees for Special Inspector Certification application and initial certification for Certificate of Authority, and to increase the inactive status fee. Purpose and effect for Rule 61G15-24.002, F.A.C., amendment are to collect the unlicensed activity fee in addition to other fees, instead of as part of the licensure and renewal fees.

SUMMARY: For Rule 61G15-24.001, F.A.C., amendment it is to eliminate unnecessary and duplicative language, add fees for Special Inspector Certification application and initial certification for Certificate of Authority, and to increase the inactive status fee. For Rule 61G15-24.002, F.A.C., amendment it is to collect the unlicensed activity fee in addition to other fees, instead of as part of the licensure and renewal fees.

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: 455.213, 455.217(3), 455.219, 455.2281, 455.271, 471.011, 471.019 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.217(3),(7), 455.2281, 471.011, 471.019 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-24.001 Schedule of Fees.

(1) Pursuant to Sections 471.011, 471.019, Florida Statutes, the Board hereby establishes the following fees for applications, ~~examination, reexamination,~~ licensing and renewal, temporary registration, late renewal, licensure registration by endorsement, reactivation fee, and replacement of certificate.

(2) Engineering licensure fees (individuals and firms):

(a) ~~Initial Application fee for licensure by examination or endorsement - Graduate of Board approved engineering program as defined in paragraph 61G15-20.001(2)(a), F.A.C., or an engineering program approved by the Board pursuant to Rule 61G15-20.006, F.A.C., or qualified under Section 471.013(1), F.S. \$125.00 non-refundable.~~

~~(b) Examination and re-examination fee - \$100.00, except the fee for Structural II examination is \$450.00.~~

~~(c) Application fee for licensure by endorsement - \$125.00.~~

~~(b)(d) Initial license fee licensure - \$100.00.~~

~~(c)(e) Biennial rRenewal fee - \$125.00 per biennium.~~

~~(d)(f) Delinquency Fee - \$100.00.~~

~~(e)(g) Temporary license registration (individual) - \$25.00.~~

~~(f)(h) Temporary Certificate of Authorization (firm) - \$50.00.~~

~~(g)(i) Application fee Registration for a Certificate of Authorization (firm) - \$125.00 non-refundable.~~

~~(h) Initial fee for Certificate of Authorization - \$125.00.~~

~~(i)(j) Biennial Renewal fee for of Certificate of Authorization (firm) - \$125.00.~~

~~(j)(k) Inactive Status Fee - \$1275.00.~~

~~(k)(l) Reactivation fee - \$150.00.~~

~~(l)(m) Duplicate Certificate - \$25.00.~~

~~(m)(n) Verification of Licensure - \$25.00.~~

~~(n)(o) Special Inspector Certification Fee - \$100.00.~~

~~(o) Application fee for Special Inspector Certification - \$125.00.~~

~~(3) Engineer Intern application fFees: \$30.00.~~

~~(a) Application Fee - \$30.00.~~

~~(b) Examination - \$50.00.~~

~~(c) Re-examination - \$100.00.~~

Specific Authority 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS. Law Implemented 119.07(1)(a), 455.217(3),(7), 471.011, 471.019 FS. History—New 1-8-80, Amended 8-26-81, 12-19-82, 6-2-83, 2-28-84, Formerly 21H-24.01, Amended 3-10-86, 12-11-86, 3-10-87, 4-12-88, 12-21-88, 1-10-90, 8-15-90, 1-6-93, Formerly 21H-24.001, Amended 11-15-94, 8-10-98, 6-16-99, 5-8-00, 11-15-01, 2-21-02, 9-16-02, 5-9-04, _____.

61G15-24.002 Unlicensed Activity Fee.

In addition to ~~From~~ each fee for initial licensure or licensure renewal, an additional \$5.00 shall be collected and earmarked for the purpose of combating unlicensed activity.

Specific Authority 455.2281 FS. Law Implemented 455.2281 FS. History—New 8-29-93, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 2004

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLES: RULE NOS.:

Continuing Education for Biennial Renewal 64B15-13.001

Continuing Education Requirements for Reactivation 64B15-13.002

PURPOSE AND EFFECT: The Board proposed rule amendments are intended to address requirements for continuing education with regard to renewal and reactivation.

SUMMARY: The proposed rule amendments clarify the requirements for continuing education for renewal and reactivation.

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: 459.005, 459.008(4), 459.009(1) FS.

LAW IMPLEMENTED: 456.013(5),(6),(7), 459.008, 459.008(4), 459.009(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-13.001 Continuing Education for Biennial Renewal.

(1)(a) Every person licensed pursuant to Chapter 459, F.S., except those licensed as physician assistants pursuant to Section 459.022, F.S., shall be required to complete forty (40) hours of continuing medical education courses approved by the Board in the twenty-four (24) months preceding each biennial renewal period as established by the Department. Seven of the continuing medical education hours required for renewal shall be one hour HIV/AIDS course, one hour Domestic Violence, one hour Risk Management Course, one hour Florida Laws and Rules, one hour on the laws regarding the use and abuses of controlled substances, and two hours Prevention of Medical Errors Course. The completion of the seven required continuing medical education hours set forth above shall be obtained as set forth in paragraph (3)(b) of this rule.

(b) No change.

(2) No change.

(3)(a) For purposes of this rule, risk management means the identification, investigation, analysis, and evaluation of risks and the selection of the most advantageous method of correcting, reducing, or eliminating identifiable risks and domestic violence as defined in Section 741.30, F.S.

(b) The continuing medical education found in paragraph 64B15-13.001(1)(a), F.A.C., with regard to Risk Management, Florida Laws and Rules, controlled substances and the prevention of medical errors shall be obtained by the completion of live, participatory attendance courses. However, the continuing medical education found in paragraph 64B15-13.001(1)(a), F.A.C., with regard to HIV/AIDS, domestic violence, or the alternative end-of-life/palliative care as set forth in subsection (7) of this rule may be obtained by the completion of non-live/participatory attendance.

(c) For purposes of this rule, Florida laws and rules means Chapters 456 and 459, ~~Part II~~, F.S., and Rule Chapter 64B15, F.A.C.

(d) through (e) No change.

(4) The following courses are approved by the Board:

(a) through (d) No change.

(e) Fellowships approved by the American Osteopathic Association or the American Medical Association; Internship or residency approved by the American Osteopathic Association or the Accreditation Council for Graduate Medical Education ~~American Medical Association~~; each fellow, intern and/or resident shall be responsible for obtaining the continuing medical education required under this rule. For fellows, interns, and/or residents in approved AOA, ~~or~~ AMA, or ACGME educational training programs, ten (10) continuing medical education credit hours shall be awarded for successful completion of each 6 month training program period;

(f) through (g) No change.

(h) Internship or residency approved by the American Osteopathic Association or the Accreditation Council for Graduate Medical Education ~~American Medical Association~~;

(i) No change.

(5) through (8) No change.

Specific Authority 459.005, 459.008(4) FS. Law Implemented 456.013(5),(6),(7), 459.008, 459.008(4) FS. History--New 10-23-79, Amended 1-29-86, Formerly 21R-13.01, Amended 12-5-89, 4-8-91, 2-16-92, Formerly 21R-13.001, Amended 1-10-94, Formerly 61F9-13.001, Amended 10-25-95, Formerly 59W-13.001, Amended 1-19-98, 6-3-98, 4-14-99, 5-26-02, 5-10-04, 7-27-04, _____.

64B15-13.002 Continuing Education Requirements for Reactivation.

(1) Every license holder pursuant to Chapter 459, F.S., whose license has been inactive for more than one (1) year shall be required to complete continuing education requirements as a condition for reactivating his license.

(2) The continuing education requirements shall be twenty (20) ~~live, participatory~~ attendance hours for each year the license was inactive. At least seven ~~five~~ of the continuing medical education hours required for renewal shall be as found in paragraph 64B15-13.001(1)(a), F.A.C.

(3) The courses listed in Rule 64B15-13.001, F.A.C., shall constitute the list of approved courses under this rule.

Specific Authority 459.009(1) FS. Law Implemented 459.009(1) FS. History--New 10-23-79, Amended 4-17-85, Formerly 21R-13.02, Amended 5-13-87, Formerly 21R-13.002, Amended 1-10-94, Formerly 61F9-13.002, Amended 8-27-95, Formerly 59W-13.002, Amended 12-9-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004 (64B15-13.001) October 8, 2004 (64B15-13.002)

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Standards of Practice for Surgery
 RULE NO.: 64B15-14.006

PURPOSE AND EFFECT: The proposed rule amendment is intended to address a process to be undertaken by the surgical/procedure team for the purpose of properly identifying the patient, procedure and correct site for the procedure prior to commencing any surgery/procedure.

SUMMARY: The proposed rule amendment sets forth the appropriate process to be undertaken by the surgical/procedure team for the purpose of properly identifying the patient, procedure and correct site for the procedure prior to commencing any surgery/procedure.

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: 459.005, 459.015(1)(z) FS.

LAW IMPLEMENTED: 459.015(1)(x), (z), (aa) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.006 Standards of Practice for Surgery.

The Board of Osteopathic Medicine interprets the standard of care requirement of Section 459.015(1)(x), F.S., and the delegation of duties restrictions of Section 459.015(1)(aa), F.S., with regard to surgery as follows:

(1) The ultimate responsibility for diagnosing medical and surgical problems is that of the licensed allopathic or osteopathic physician who is to perform the surgery. In addition, it is the responsibility of the operating surgeon or an equivalently trained allopathic or osteopathic physician practicing within a Board approved postgraduate training program to explain the procedure to and obtain the informed consent of the patient. It is not necessary, however, that the operating surgeon obtain or witness the signature of the patient on the written form evidencing informed consent.

(2) This rule is intended to prevent wrong site, wrong side, wrong patient and wrong surgeries/procedures by requiring the team to pause prior to the initiation of the surgery/procedure to confirm the side, site, patient identity, and surgery/procedure.

(a) Definition of Surgery/Procedure. As used herein, "surgery/procedure" means the incision or curettage of tissue or an organ, insertion of natural or artificial implants, electro-convulsive therapy, and endoscopic procedure. Minor surgeries/procedures such as excision of skin lesions, moles, warts, cysts, lipomas and repair of lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient are exempt from the following requirements.

(b) Except in life-threatening emergencies requiring immediate resuscitative measures, once the patient has been prepared for the elective surgery/procedure and the surgical team has been gathered in the operating room and immediately prior to the initiation of any surgical procedure, the surgical team will pause and the operating physician will verbally confirm the patient's identification, the intended procedure and the correct surgical/procedure site. The operating physician shall not make any incision or perform any surgery or procedure prior to performing this required confirmation. The notes of the procedure shall specifically reflect when this confirmation procedure was completed and which personnel on the surgical team confirmed each item. This requirement for confirmation applies to physicians performing procedures either in office settings or facilities licensed pursuant to Chapter 395, Florida Statutes, and shall be in addition to any other requirements that may be required by the office or facility.

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

Specific Authority 459.005, 459.015(1)(z) FS. Law Implemented 459.015(1)(x),(z),(aa) 459.334(+)(x),(aa) FS. History--New 10-16-01, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2004

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Physician Practice Standard Regarding Do Not Resuscitate (DNR) Orders
 RULE NO.: 64B15-14.010

PURPOSE AND EFFECT: The proposed new rule is intended to address proper physician practice with regard to DNR orders.

SUMMARY: The proposed rule sets forth appropriate standards with regard to physicians and the identification and recognition of DNR orders.

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: 459.015 (1)(z) FS.

LAW IMPLEMENTED: 459.015 (1)(z) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.010 Physician Practice Standard Regarding Do Not Resuscitate (DNR) Orders.

Resuscitation may be withheld or withdrawn from a patient by a treating physician licensed pursuant to Chapter 459, F.S., if evidence of an order not to resuscitate by the patient's physician is presented to the treating physician. An order not to resuscitate, to be valid, must be on the form as set forth in Section 401.45, F.S. The form must be signed by the patient's physician and by the patient, or, if the patient is incapacitated, the patient's health care surrogate, or proxy as provided in Chapter 765, F.S.; court appointed guardian as provided in Chapter 744, F.S.; or attorney in fact under a durable power of attorney as provided in Chapter 709, F.S. The court appointed guardian or attorney in fact must have been delegated authority to make health care decisions on behalf of the patient.

Specific Authority 459.015(1)(z) FS. Law Implemented 459.015(1)(z) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2004

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLES:	RULE NOS.:
Citations	64B15-19.007
Mediation	64B15-19.008

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify the additional citation violations and violations which are appropriate for mediation.

SUMMARY: The proposed rule amendments clarify additional citation violations and set forth violations which are appropriate for mediation.

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

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

SPECIFIC AUTHORITY: 456.073, 456.077, 456.078 FS.

LAW IMPLEMENTED: 456.073, 456.077, 456.078 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.007 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation.

(a) through (l) No change.

(m) Failure to report another licensee in violation; Sections 456.072(1)(i) & 459.015(1)(e), F.S. The fine shall be \$500. First time failure to pay fine or costs. The fine shall be 10% of the fine and/or costs imposed plus the fine and costs. Failure to pay citation shall result in an administrative complaint.

(n) Failure of the director of medical education in a training program to appropriately register a physician in training as required in Section 459.021, F.S. The fine shall be \$500.

(o) Failure to comply with the guidelines for the use of obesity drugs in instances which do not result in patient harm. The fine shall be \$500.

(4) through (7) No change.

Specific Authority 456.073, 456.077 FS. Law Implemented 456.073, 456.077 FS. History--New 10-28-91, Amended 8-24-92, 11-17-92, Formerly 21R-19.007, 61F9-19.007, 59W-19.007, Amended 11-27-97, 11-12-00, 1-29-03, 7-13-03, _____.

64B15-19.008 Mediation.

(1) "Mediation" means a process whereby a mediator appointed by the Department acts to encourage and facilitate resolution of a legally sufficient complaint. It is an informal and non-adversarial process with the objective of assisting the parties to reach a mutually acceptable agreement.

(2) The board finds that the following offenses may be mediated if the offense meets the criteria of Section 456.078, F.S.: mediation is an acceptable method of dispute resolution for the following violations as they are economic in nature or can be remedied by the licensee;

(a) Section 459.015(1)(d), F.S., false advertising. Failure of the licensee to timely pay any assessed administrative fines or costs;

(b) Section 459.015(1)(g), F.S., failure to perform a statutory or legal obligation, with regard to violation of medical director clinic responsibilities. Failure of the licensee to timely respond to a continuing education audit.

(c) Section 459.015(1)(pp), F.S., violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto, with regard to failure to release patient records to a patient or a patient's legal representative.

(d) Section 459.015(1)(r), F.S., improper advertising of pharmacy; promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice."

(e) Section 459.015(1)(x), F.S., failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, provided that it does not result in patient harm or the performance of any surgical procedure.

(3) The Department of Health shall, at the end of each calendar quarter, submit a report to the Board of the number of successful mediations, the violations, resolutions and the number of subjects who chose to follow the procedures of Section 456.073, F.S.

~~Specific Authority 456.078 FS, Section 8, 94-119, Laws of Fla. Law Implemented 456.078 FS, Section 8, 94-119, Laws of Fla. History--New 11-30-94, Formerly 59W-19.008, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2003 (64B15-19.007) and May 28, 2004 (64B15-19.008)

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES:	RULE NOS.:
Display of Current License and Wall Certificate; Pharmacist and Intern Identification	64B16-27.100
Practice of Pharmacy	64B16-27.1001
Oral Prescriptions and Copies	64B16-27.103
Transmission of Prescription Orders	64B16-27.1003
Conduct Governing Pharmacists and Pharmacy Permittees	64B16-27.104
General Terms and Conditions to Be Followed by a Pharmacist When Ordering and Dispensing Approved Medicinal Drug Products	64B16-27.210
Prescription Refills	64B16-27.211
Medicinal Drugs Which May Be Ordered by Pharmacists	64B16-27.220
Fluoride Containing Products That May Be Ordered By Pharmacists	64B16-27.230
Standards of Practice – Continuous Quality Improvement Program	64B16-27.300
Pharmacy Technician 1:1, 2:1 or 3:1 Ratio Duty of Pharmacist to Inform Regarding Drug Substitution	64B16-27.530
Possession and Disposition of Sample Medicinal Drugs	64B16-27.615
Definition of Compounding	64B16-27.700
Standards of Practice – Drug Therapy Management	64B16-27.830
Standards of Practice for the Dispensing of Controlled Substances for Treatment of Pain	64B16-27.831

PURPOSE AND EFFECT: the Board proposes the rule amendments and new rules to update pharmacy practices and to consolidate all its pharmacy practice requirements into Chapter 64B16-27, F.A.C.

SUMMARY: The proposed new rules and amendments address the requirements regarding the practice of the profession of pharmacy.

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: 465.005, 465.0155, 465.016(1), 465.018, 465.022, 465.024, 465.186(2), 499.028, 893.04 FS.

LAW IMPLEMENTED: 456.072(1)(i), 465.003(11)(b), (12),(13), 465.014, 465.0155, 465.016(1)(i), 465.017(2), 465.018, 465.022, 465.024, 465.025(3)(a), 465.026, 465.0265, 465.186, 499.028, 893.07(1)(b) 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-27.100 Display of Current License and Wall Certificate; Pharmacist and Intern Identification and Renewal Certificates.

(1) The wall certificate and current license of each pharmacist engaged in the practice of the profession of pharmacy as defined by Section 465.003(13)(12), F.S., in any pharmacy shall be displayed, ~~together with the current renewal certificate~~, when applicable, in a conspicuous place in or near the prescription department, and in such manner that said license can be easily read by patrons of said establishment. Pharmacists employed in secondary practice sites shall present a valid wallet license as evidence of licensure upon request.

(2) No pharmacist shall display, cause to be displayed, or allow to be displayed, their his license in any pharmacy where said pharmacist is not engaged in the practice of the profession as defined in Section 465.003(13)(12), F.S.

(3) A pharmacist and intern must be clearly identified by a means such as an identification badge or monogrammed smock showing their name and if they are a pharmacist or an intern.

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.022 FS. History—Amended 5-19-72, Repromulgated 12-18-74, Formerly 21S-1.06, 21S-1.006, Amended 7-30-91, Formerly 21S-27.100, 61F10-27.100, Amended 1-30-96, Formerly 59X-27.100, Amended _____.

64B16-27.1001 Practice of Pharmacy.

Those functions within the definition of the practice of the profession of pharmacy, as defined by Section 465.003(13), Florida Statutes, are specifically reserved to a pharmacist or a duly registered pharmacy intern in this state acting under the direct and immediate personal supervision of a pharmacist. The following subjects come solely within the purview of the pharmacist.

(1) A pharmacist or pharmacy intern must:

(a) Supervise and be responsible for the controlled substance inventory.

(b) Receive verbal prescriptions from a practitioner.

(c) Interpret and Identify prescription contents.

(d) Engage in consultation with a practitioner regarding interpretation of the prescription and data in a patient profile.

(e) Engage in professional communication with practitioners, nurses or other health professionals.

(f) Advise or consult with a patient, both as to the prescription and the patient profile record.

(g) Certify the finished prescription.

(2) When parenteral and bulk solutions of all sizes are prepared, regardless of the route of administration, the pharmacist must:

(a) Interpret and identify all incoming orders.

(b) Mix all extemporaneous compounding or be physically present and give direction to the pharmacy technician for reconstitution, for addition of additives, or for bulk compounding of the parenteral solution.

(c) Physically examine, certify to the accuracy of the final preparation, thereby assuming responsibility for the final preparation.

(d) Systemize all records and documentation of processing in such a manner that professional responsibility can be easily traced to a pharmacist.

(3) Only a pharmacist may make the final check of the completed prescription thereby assuming the complete responsibility for is preparation and accuracy.

(4) The pharmacist, as an integral aspect of dispensing, shall be directly and immediately available to the patient or the patient's agent for consultation and shall not dispense to a third party. No prescription shall be deemed to be properly dispensed unless the pharmacist is personally available.

(5) The pharmacist performing in this state any of the acts defined as "the practice of the profession of pharmacy" in Section 465.003(13), Florida Statutes, shall be actively licensed as a pharmacist in this state, regardless of whether the practice occurs in a permitted location (facility) or other location.

(6) A pharmacist may take a meal break, not to exceed 30 minutes in length, during which the pharmacy department of a permittee shall not be considered closed, under the following conditions:

(a) The pharmacist shall be considered present and on duty during any such meal break if a sign has been prominently posted in the pharmacy indicating the specific hours of the day during which meal breaks may be taken by the pharmacist and assuring patients that a pharmacist is available on the premises for consultation upon request during a meal break.

(b) The pharmacist shall be considered directly and immediately available to patients during such meal breaks if patients to whom medications are delivered during meal breaks are verbally informed that they may request that a pharmacist contact them at the pharmacist's earliest convenience after the meal break, and if a pharmacist is available on the premises during the meal break for consultation regarding emergency matters. Only prescriptions with final certification by the pharmacist may be delivered.

(c) The activities of pharmacy technicians during such a meal break shall be considered to be under the direct and immediate personal supervision of a pharmacist if the pharmacist is available on the premises during the meal break

to respond to questions by the technicians, and if at the end of the meal break the pharmacist certifies all prescriptions prepared by the pharmacy technicians during the meal break.

(7) The delegation of any duties, tasks or functions to interns and pharmacy technicians must be performed subject to a continuing review and ultimate supervision of the pharmacist who instigated the specific task, so that a continuity of supervised activity is present between one pharmacist and one pharmacy technician. In every pharmacy, the pharmacist shall retain the professional and personal responsibility for any delegated act performed by interns and pharmacy technicians in the licensee's employ or under the licensee's supervision.

Specific Authority 465.005, 465.0155 FS. Law Implemented 465.003(11)(b),(13), 465.014, 465.026 FS. History–New _____.

64B16-27.103 Oral Prescriptions and Copies.

(1) Only a ~~Florida-registered~~ pharmacist or registered pharmacy intern acting under the direct personal supervision of a ~~Florida-registered~~ pharmacist may, in the State of Florida, accept an oral prescription of any nature. Upon so accepting such oral prescription it must immediately be reduced to a hard copy, ~~and~~

(2) ~~Only a Florida-registered~~ pharmacist or registered pharmacy intern acting under the direct personal supervision of a ~~Florida-registered~~ pharmacist may, in the State of Florida, prepare a copy of a prescription or read a prescription to any person for purposes of providing reference concerning treatment of the person or animal for whom the prescription was written, and when said copy is given a notation shall be made upon the prescription that a copy has been given, the date given, and to whom given.

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.003(13), 465.022, 893.07(1)(b) FS. History–Amended 5-19-72, Repromulgated 12-18-74, Formerly 21S-1.18, 21S-1.018, 21S-27.103, 61F10-27.103, Amended 9-19-94, Formerly 59X-27.103, Amended 10-15-01, _____.

64B16-27.1003 Transmission of Prescription Orders.

Prescriptions may be transmitted from prescriber to dispenser in written form or by any means of communication. Prescriptions may be transmitted by facsimile systems as provided in Section 465.035, Florida Statutes, and federal law. Any direct transmission of prescriptions, including verbal, facsimile, telephonic or electronic data transmission, shall only be with the approval of the patient or patient's agent. The pharmacist receiving any such transmitted prescription shall not participate in any system that the pharmacist knows or should have reason to know restricts the patient's choice of pharmacy. The pharmacist shall take such measures necessary to ensure the validity of all prescriptions received.

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.022, 465.026, 893.07 FS. History–New _____.

64B16-27.104 Conduct Governing Registered Pharmacists and Pharmacy Permittees.

(1) through (4) No change.

(5) Pursuant to Section 465.018, F.S., that requires that a permit for a community pharmacy may not be issued unless a licensed pharmacist is designated as the prescription department manager responsible for maintaining all drug records, providing for the security of the prescription department and following such other rules as relate to the practice of the profession of pharmacy. ~~It is the Board's position that in most cases a pharmacist cannot effectively carry out these statutory duties if he is responsible for more than one prescription department. Accordingly, the The Board shall not register a prescription department manager as the manager of more than one pharmacy. The Board may grant an exception to this requirement upon application by the permittee and the prescription department manager showing circumstances such as proximity of permits and limited pharmacist workload that would allow the manager to carry out all duties and responsibilities required of a prescription department manager.~~ requires that no pharmacist may be registered as the prescription department manager of more than one pharmacy; provided, however, that the Board on application by the permittee and prescription department manager showing circumstances such as proximity of permits and limited pharmacist's workload wherein a single pharmacist could effectively act as manager of more than one prescription department and carry out all his duties and responsibilities with regard to more than one prescription department, may grant an exception to this requirement.

Specific Authority 465.005, 465.0155, 465.018, 465.022 FS. Law Implemented 465.018, 465.022, 465.024 FS. History–New 10-20-81, Formerly 21S-1.20, 21S-1.020, Amended 7-30-91, Formerly 21S-27.104, 61F10-27.104, 59X-27.104, Amended _____.

64B16-27.210 General Terms and Conditions to Be Followed by a Pharmacist When Ordering and Dispensing Approved Medicinal Drug Products.

A pharmacist ~~Pharmacists~~ may order a the medicinal drug products listed in Rule 64B16-27.220, F.A.C. set forth in each rule subject to the following terms and limitations:

(1) A pharmacist shall establish a valid pharmacist-patient relationship. The relationship shall not be based solely on an electronic medical questionnaire or a telephonic consultation.

(2) A medicinal drug in an injectable dosage form ~~Injectable products~~ shall not be ordered by the pharmacist.

(3)(2) An ~~No~~ oral medicinal drugs shall not be ordered by a pharmacist for a pregnant patient or nursing mother.

(4)(3) The ~~In any case of dispensing hereunder,~~ the amount or quantity of a medicinal drug dispensed shall not exceed a 34-day supply or standard course of treatment ~~unless~~ subject to the specific limitations in this rule. A ~~P~~patients shall be advised to that they should seek the advice of an appropriate

health care provider if ~~the their~~ present condition, symptom, or complaint does not improve upon the completion of the regimen.

~~(5)(4)~~ Directions The directions for use of all prescribed medicinal drugs shall not exceed the manufacturer's recommended dosage.

~~(6)(5)~~ No change.

~~(7)(6)~~ A The pharmacist who orders and dispenses a medicinal drug shall create a prescription ~~when ordering and dispensing a medicinal drug product~~ which shall be maintained in the prescription files of the pharmacy.

~~(8)~~ A The pharmacist shall place the trade or generic name and quantity dispensed on the prescription label, in addition to all other label requirements.

~~(9)(7)~~ A The pharmacist shall maintain a patient profiles, separate from the prescription order, for ~~a all~~ patients for whom the pharmacist orders and dispenses medicinal drug products and shall initial and date each profile entry. ~~The Such~~ profiles shall be maintained at the pharmacy ~~wherein the ordering and dispensing originated~~ for a period of ~~two (2)~~ seven (7) years.

~~(10)(8)~~ The patient profile shall document a valid pharmacist-patient relationship that includes: In the patient profiles, the pharmacist shall record as a minimum the following information if a medicinal drug product is ordered and dispensed:

- (a) No change.
- ~~(b) A statement regarding the pPatients's medical history.~~
- ~~(c) A statement regarding the pPatients's current complaint which may include; onset, duration, or and frequency of the problem.~~
- ~~(d) Documentation of a physical assessment.~~
- ~~(e)(d)~~ The Medicinal drug ordered and dispensed.
- ~~(f)(e)~~ Date and initials of the pharmacist ~~The pharmacist ordering and dispensing the medicinal drug product shall initial the profile.~~
- ~~(g)(f)~~ The Prescription number shall be recorded in the patient's profile.

~~(11)~~ The history and evaluation of the patient shall be adequate to support the medicinal drug order.

~~(12)(9)~~ A medicinal drug product shall be dispensed only by the pharmacist who ordered the drug may be ordered, and dispensed only by the pharmacist so ordering.

~~(13)(10)~~ Only legend medicinal drugs may be ordered prescribed by a pharmacist. Over-the-counter drugs are exempt from the requirements of this rule and shall be recommended as over-the-counter products.

~~(14)(11)~~ A Pharmacy interns or technician shall and supportive personnel may not be involved in the ordering of the medicinal drugs permitted in this Rule.

Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History-New 5-1-86, Formerly 21S-18.002, 21S-27.210, 61F10-27.210, 59X-27.210, Amended _____.

64B16-27.211 Prescription Refills.

No prescription may be filled or refilled in excess of one (1) year from the date of the original prescription was written. No prescription for a controlled substance listed in Schedule II may be refilled. No prescription for a controlled substance listed in Schedules III, IV, or V may be filled or refilled more than five (5) times within a period of six (6) months after the date on which the prescription was written.

Specific Authority 465.005, 465.016(1), 465.022(1)(a), 893.04 FS. Law Implemented 465.022 FS. History-New _____.

64B16-27.220 Medicinal Drugs Which May Be Ordered by Pharmacists.

A Pharmacist may order and dispense from the following formulary, within their professional judgment, subject to the stated conditions:-

(1) Oral analgesics for mild to moderate pain:- The pharmacist may order these drugs for minor pain and menstrual cramps for patients with no history of peptic ulcer disease. The prescription shall be limited to a six (6) day supply for one treatment. If appropriate, the prescription shall be labeled to be taken with food or milk.

- (a) Magnesium ~~magnesium~~ salicylate/phenyltoloxamine citrate,-
- (b) Acetylsalicylic ~~acetylsalicylic~~ acid (Zero order release, long acting tablets),-
- (c) Choline ~~choline~~ salicylate and magnesium salicylate,-
- (d) Naproxen ~~naproxen~~ sodium,-
- (e) Naproxen, ~~naproxen~~, and
- (f) Ibuprofen. ~~ibuprofen for minor pain and menstrual cramps for patients with no history of peptic ulcer disease; limited to a six (6) day supply for one treatment. When appropriate, such prescriptions shall be labeled to be taken with food or milk.~~

(2) Urinary analgesics,- Phenazopyridine, phenazopyridine not exceeding a two (2) day supply. The Such prescriptions shall be labeled about as to the tendency to discolor urine. If appropriate the prescription and when appropriate shall be labeled to be taken after meals.

(3) Otic analgesics,- Antipyrine antipyrine 5.4%, benzocaine 1.4%, glycerin, if clinical signs or symptoms of tympanic membrane perforation do not exist. The product which shall be labeled for use in the ear only.

- (4) Anti-nausea preparations,-
 - (a) Meclizine ~~Meclizine~~ up to 25 mg., except for a patient currently using a central nervous system (CNS) depressant. The prescription shall be labeled to advise the patient of drowsiness and to caution against concomitant use with alcohol or other depressants.

(b) Scopolamine not exceeding 1.5 mg. per dermal patch. Patient ~~shall to~~ be warned to seek appropriate medical attention if eye pain, redness or decreased vision develops. "if eye pain develops, seek appropriate medical attention."

(5) Antihistamines and decongestants. The following, including their salts, either as a single ingredient product or in combination, including nasal decongestants, may be ordered for a patient ~~patients~~ above 6 years of age:

- 1. ~~(a)~~ Diphenhydramine.
- 2. ~~(b)~~ Carbinoxamine.
- 3. ~~(c)~~ Pyrillamine.
- 4. ~~(d)~~ Dexchlorpheniramine.
- 5. ~~(e)~~ Brompheniramine.
- ~~(f)~~ Loratadine (maximum 14 days supply only).
- ~~(g)~~ Fexofenadine.
- ~~(h)~~ Azelastine.

~~The patient should be warned that antihistamines should not be used by patients with bronchial asthma or other lower respiratory symptoms, glaucoma, cardiovascular disorders, hypertension, prostate conditions and urinary retention. Antihistamines shall be labeled to advise the patient of drowsiness and caution against the concomitant use with alcohol or other depressants.~~

~~(b) Decongestants. The pharmacist shall not order an oral decongestant for use by a patient with coronary artery disease, angina, hyperthyroidism, diabetes, glaucoma, prostate conditions, hypertension, or a patient currently using a monoamine oxidase inhibitor.~~

- ~~(i)~~ Ephedrine:
- 1. ~~(j)~~ Phenylephrine.
- ~~(k)~~ Phenyltoloxamine.
- 2. ~~(l)~~ Azatadine.
- ~~(m)~~ Diphenylpyraline.

~~Oral decongestants shall not be ordered for use by patients with coronary artery disease, angina, hyperthyroidism, diabetes, glaucoma, prostate conditions, hypertension, or patients currently using monoamine oxidase inhibitors.~~

~~(6) Anthelmintic: Pyrantel pamoate. The drug product may only be ordered for use by patients over 2 years of age.~~

~~(6)(7) Topical antifungal/antibacterials. The pharmacist shall warn the patient that any of the products should not be used near deep or puncture wounds and contact with eyes or mucous membranes should be avoided. Iodochlorhydroxyquin preparations shall be labeled about staining potential.~~

- ~~(a)~~ Iodochlorhydroxyquin with 0.5% Hydrocortisone (not exceeding 20 grams);
- ~~(b)~~ Haloprogin 1%;
- ~~(c)~~ Clotrimazole topical cream and lotion. Nystatin topical cream, ointment, lotion or powder, miconazole nitrate topical cream;
- ~~(d)~~ Erythromycin erythromycin topical. The patient shall be warned that all of the above products should not be used near deep or puncture wounds, and Iodochlorhydroxyquin preparations shall be labeled as to the staining potential.

~~(7)(8) Topical anti-inflammatory. The pharmacist shall warn the patient that hydrocortisone should not be used on bacterial infections, viral infections, fungal infections, or by patients with impaired circulation. The prescription shall be labeled to advise the patient to avoid contact with eyes, mucous membranes or broken skin. Preparations preparations containing hydrocortisone not exceeding 2.5%. The patient shall be warned that hydrocortisone should not be used on bacterial infections, viral infections, fungal infections, or by patients with impaired circulation. Such prescriptions shall be labeled to avoid contact with eyes and broken skin.~~

~~(8)(9) Otic antifungal/antibacterial. Acetic acetic acid 2% in aluminum acetate solution which shall be labeled for use in ears only.~~

~~(9)(10) Keratolytics. Salicylic salicylic acid 16.7% and lactic acid 16.7% in flexible collodion, to be applied to warts, except for patients under two (2) years of age, and those with diabetes or impaired circulation. Prescriptions shall be labeled to avoid contact with normal skin, eyes and mucous membranes.~~

~~(10)(11) Vitamins with fluoride. (This does not include vitamins with folic acid in excess of 0.9 mg.)~~

~~(11)(12) Medicinal drug shampoos containing Lindane, may be ordered pursuant to the following conditions:~~

- ~~(a)~~ The pharmacist shall:
 - ~~(a)~~ Limit limit the order to the treatment of head lice only;
 - ~~(b)~~ Order no more than four (4) ounces per person; and
 - ~~(c)~~ Provide provide the patient with the appropriate instructions and precautions for use.

~~(b) The amount allowed per person shall be four ounces.~~

~~(13) Antidiarrheal: Loperamide 2 mg per dosage unit. No more than a two day supply may be dispensed.~~

~~(14) Smoking cessation products: Nicotine transdermal systems:~~

- ~~(a) Before prescribing, the pharmacist:~~
 - 1. Must have successfully completed a comprehensive smoking cessation training program such as the American Cancer Society Physician Training Program or other ACPE approved certification program.
 - 2. Must insure patient involvement in a behavior modification program.
 - 3. Must insure that there are no medical contraindications for patient participation including pregnancy or breastfeeding, cardiovascular disease (postinfarction, arrhythmias, hypertension, peripheral vascular disease), pheochromocytoma, hyperthyroidism, or insulin dependent diabetes mellitus.
 - 4. Must inform patients of all contraindications and hazards of drug therapy including drug, food, and nutritional interactions.
 - 5. Must counsel patients on proper drug use of prescribed product.

(b) After prescribing, the pharmacist:

1. May dispense no more than a 14 day supply of nicotine transdermal patches.

2. May dispense smoking cessation products for no more than 24 consecutive weeks of drug therapy.

3. May prescribe these products for nicotine replacement only.

4. Must perform and document follow up counseling during therapy.

(12)(15) Ophthalmics: Naphazoline 0.1% ophthalmic solution.

(16) Cough suppressants:

(a) Guaifenesin.

(b) Dextromethorphan.

(17) Vaginal antifungals: Miconazole nitrate suppositories and/or miconazole nitrate cream.

(13)(18) Histamine H2 antagonists: The pharmacist shall advise the patient to seek medical attention if symptom persist longer than 14 days while using the medication or if stools darken or contain blood.

(a) Cimetidine.

(b) Famotidine.

(c) Ranitidine HCl.

~~Pharmacists shall advise patients that these agents may mask serious disorders.~~

(14) Acne products. Benzoyl Peroxide. The prescription shall be labeled to advise the patient to avoid use on the eye, eyelid, or mucous membranes.

(15)(19) Topical Antiviral:

(a) Acyclovir ointment may be ordered for the treatment of herpes simplex infections of the lips.

(b) Penciclovir.

(20) Acne product: Benzoyl peroxide.

Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History—New 5-1-86, Amended 10-7-90, Formerly 21S-18.003, Amended 7-30-91, Formerly 21S-27.220, 61F10-27.220, Amended 3-12-97, Formerly 59X-27.220, Amended 6-15-98, 11-30-99, _____.

64B16-27.230 Fluoride Containing Products That May Be Ordered by Pharmacists.

No change.

Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History—New 5-1-86, Formerly 21S-18.004, 21S-27.230, 61F10-27.230, 59X-27.230, Amended 6-15-98.

64B16-27.300 Standards of Practice – Continuous Quality Improvement Program.

(1) through (2) No change.

(3)(a) Each pharmacy shall establish a Continuous Quality Improvement Program which program shall be described in the pharmacy's policy and procedure manual and, at a minimum shall contain:

1. Provisions for a Continuous Quality Improvement Committee that may be comprised of staff members of the pharmacy, including pharmacists, pharmacy interns, pharmacy technicians, clerical staff, and other personnel deemed necessary by the prescription department manager ~~or of~~ the consultant pharmacist of record;

2. through 4. No change.

(b) through (c) No change.

(4) No change.

(5) Records maintained as a component of a pharmacy Continuous Quality Improvement Program are confidential under the provisions of Section 766.101, F.S. In order to determine compliance the Department may review the policy and procedures and a Summarization of Quality-Related Events. The summarization document shall analyze remedial measures undertaken following a Quality-Related Event. ~~At a minimum, the review shall consider the effects on quality of pharmacy systems due to staffing levels, workflow, and technological support.~~ No patient name or employee name shall be included in this summarization. The summarization shall be maintained for two years. Records are considered peer-review documents and are not subject to discovery in civil litigation or administrative actions.

Specific Authority 465.0155 FS. Law Implemented 465.0155 FS. History—New 7-15-99, Amended 1-2-02, 6-16-03, _____.

64B16-27.410 Pharmacy Technician 1:1, 2:1 or 3:1 Ratio.

Pharmacy technicians may assist a ~~Florida licensed~~ pharmacist in performing professional services within a community pharmacy or institutional pharmacy environment provided that no licensed pharmacist shall supervise more than one pharmacy technician unless otherwise permitted by the Florida Board of Pharmacy. A pharmacist's supervision of ~~a~~ pharmacy technicians ~~in a 1:1 ratio working environment~~ requires that a pharmacy technicians be under the direct and immediate personal supervision of a ~~Florida licensed~~ pharmacist. Pharmacy technicians may also perform in a ratio of two or three pharmacy technicians to one pharmacist. The prescription department manager or consultant pharmacist is required to submit a request and receive approval from the Board of Pharmacy prior to practicing with either a 2:1 or 3:1 ratio of supervision. All pharmacy technicians shall identify themselves as pharmacy technicians by wearing a type of identification badge that is clearly visible which specifically identifies the employee by name and by status as a "pharmacy technician", and in the context of telephone or other forms of communication, pharmacy technicians shall state their names and verbally identify themselves (or otherwise communicate their identities) as pharmacy technicians. Pursuant to the direction of the ~~licensed~~ pharmacist, pharmacy technicians may engage in the following functions to assist the ~~licensed~~ pharmacist:

(1) Prepackaging and labeling of unit and multiple dose packages pursuant to appropriate procedures. The pharmacist shall directly supervise and conduct in-process and final checks, and affix his/her initials to the record. Such pharmacy technician activities would include the maintenance of controlled substance control records;

(2) through (4) No change.

(5) Initiate communication to a prescribing practitioner or their medical staffs (or agents) regarding patient prescription refill authorization requests. Such pharmacy technician activities allow initiating calls to the practitioner or agent, communicating the refill request and confirming the patients' name, medication, strength, quantity, directions and date of last refill. Any response to the above refill request that indicates a change in the order must be directly received by the pharmacist or and/or pharmacy intern.

(6) Under the direction and supervision of a licensed pharmacist, initiate communication to a prescribing practitioner or their medical staff (or agents) to obtain clarification on missing or illegible dates, prescriber name, brand/generic preference, quantity or DEA and/or license numbers. Nothing in this rule shall be construed to allow a technician to obtain information which will result in a change concerning a dosage or directions to the patient.

(7) Community pharmacies may have a pharmacy technician enter prescription information into a computer.

(8) Community pharmacies servicing nursing homes and community or special pharmacies providing parenteral and/or enteral services may allow a pharmacy technician to:

- (a) Enter prescription information into a computer.
- (b) Prepackage and label unit dose medication.
- (c) Reconstitute bulk parenteral/enteral preparations to be sorted for dispensing at a later date.
- (d) Refill unit dose mobile transport systems (carts).
- (e) Distribute bulk medicinal drugs, appliances and other auxiliary health care products to other departments.

(9) Institutional pharmacies and nuclear pharmacies may allow a pharmacy technician to:

- (a) Enter prescription information into a computer.
- (b) Prepackage and label unit dose medication.
- (c) Reconstitute bulk parenteral/enteral preparations to be sorted for dispensing at a later date.
- (d) Refill unit dose mobile transport systems (carts).
- (e) Distribute bulk medicinal drugs, appliances and other auxiliary health care products to other departments.

(10) Nuclear pharmacy permits allow the pharmacy technician to receive diagnostic orders only. Therapy or blood product procedure orders must be received by a pharmacist.

Specific Authority 465.005 FS. Law Implemented 465.014, 893.07(1)(b) FS. History--New 2-14-77, Amended 3-31-81, Formerly 21S-4.02, Amended 8-31-87, Formerly 21S-4.002, Amended 9-9-92, Formerly 21S-27.410, 61F10-27.410, Amended 1-30-96, Formerly 59X-27.410, Amended 2-23-98, 10-15-01, _____.

64B16-27.530 Duty of Pharmacist to Inform Regarding Drug Substitution.

Prior to the delivery of the prescription, it is the finding of the Board of Pharmacy that a pharmacist must has the affirmative duty to inform the person presenting a prescription of any substitution of a generic drug product for a brand name drug product, of any retail price difference between the two, and of the person's right to refuse the substitution. ~~This~~ ~~It is further found that this~~ information must be communicated ~~to the person~~ at a meaningful time such as to allow the person ~~him~~ to make an informed choice as to whether ~~he wishes~~ to exercise the ~~his~~ option to refuse substitution without undue inconvenience to the presenter of the prescription ~~him~~ or to the consumer of the drug. This information shall be communicated to the person presenting the prescription in a manner determined to be appropriate by the pharmacist using ~~his~~ professional discretion and judgment. ~~The person presenting the prescription must be informed of his right to refuse substitution prior to delivery of the prescription product.~~

Specific Authority 465.005 FS. Law Implemented 465.025(3)(a) FS. History--New 11-10-80, Formerly 21S-5.04, 21S-5.004, 21S-27.530, 61F10-27.530, 59X-27.530, Amended _____.

64B16-27.615 Possession and Disposition of Sample Medicinal Drugs.

(1) Pharmacies may not be in possession of sample medicinal drugs except:

(a)(1) Pharmacies may possess the sample medicinal drugs that are listed within Rule 64B16-27.220, F.A.C., Medicinal Drugs That Which May be Ordered by Pharmacists, and

(b)(2) Institutional pharmacies may possess sample medicinal drugs upon the written request of the prescribing practitioner. Such possession must be in accordance with the provisions of Section 499.028(3)(e)2., F.S., and

(c)(3) No change.

(2) Sample packages of medicinal drugs that are found to be unsuitable for dispensing by reason of physical condition or failure to meet requirements of state or federal law shall be returned to the company of origin in accordance with the requirements of Chapter 499, F.S.

Specific Authority 465.005, 465.022, 499.028 FS. Law Implemented 465.018, 465.019, 465.022, 465.186, 499.028 FS. History--New 11-4-93, Formerly 61F10-27.615, 59X-27.615, Amended _____.

64B16-27.700 Definition of Compounding.

“Compounding” is the professional act by a pharmacist or other practitioner authorized by law, employing the science or art of any branch of the profession of pharmacy, incorporating ingredients to create a finished product for dispensing to a patient or for administration by a practitioner or the practitioner's ~~his~~ agent; and shall specifically include the professional act of preparing a unique finished product containing any ingredient or device defined by Sections 465.003(7) and (8), F.S. The term also includes the preparation of nuclear pharmaceuticals and diagnostic kits incident to use

of such nuclear pharmaceuticals. The term “commercially available products,” as used in this section, means any medicinal product as defined by Sections 465.003(7) and (8), F.S., that are legally distributed in the State of Florida by a drug manufacturer or wholesaler.

(1) No change.

(2) The preparation of drugs or devices for sale or transfer to pharmacies, practitioners, or entities for purposes of dispensing or distribution is not compounding and is not within the practice of the profession of pharmacy. Except that the supply of patient specific compounded prescriptions to another pharmacy under the provisions of Section 465.0265, F.S., and Rule 64B16-28.450, F.A.C., is authorized.

Specific Authority 465.005 FS. Law Implemented 465.003(12), 465.0155, 465.0265 FS. History—New 10-1-92, Formerly 21S-27.700, 61F10-27.700, 59X-27.700, Amended 11-2-03, _____.

64B16-27.830 Standards of Practice – Drug Therapy Management.

(1) through (3) No change.

(4) A pharmacist may dispense a drug pursuant to a prescription where the practitioner indicates on the prescription “formulary compliance approval” either in the practitioner’s own handwriting or preprinted with a box where the practitioner indicates approval by checking the box when:

(a) The pharmacist receives a formulary change as a consequence of the patient’s third party plan or Medicaid.

(b) The product that the third party formulary designates as its preferred product is a therapeutic equivalent for the prescribed product. A therapeutic equivalent is a product that is in the same therapeutic class as the prescribed drug.

(c) The pharmacist, within 24 hours of the formulary compliance substitution, shall provide to the practitioner either in writing or by facsimile a statement indicating that the pharmacist engaged in formulary compliance and the therapeutic equivalent that the pharmacist dispensed.

(d) The pharmacist has complied with the requirements of Rule 64B16-27.530, F.A.C., with regard to notification to the patient.

The pharmacist may make adjustments in the quantity and directions to provide for an equivalent dose of the preferred formulary therapeutic alternative.

(5)(4) No change.

Specific Authority 465.005, 465.0155 FS. Law Implemented 465.003(13), 465.0155, 465.022(1)(b) FS. History—New 4-4-00, Amended _____.

64B16-27.831 Standards of Practice for the Dispensing of Controlled Substances for Treatment of Pain.

~~(1) The Board of Pharmacy recognizes that principles of quality pharmacy practice dictate that the people of the State of Florida have access to appropriate and effective pain relief. The appropriate application of up-to-date knowledge and treatment modalities can serve to improve the quality of life for those patients who suffer from pain as well as reduce the~~

~~morbidity and costs associated with untreated or inappropriately treated pain. The Board encourages pharmacies to view effective pain management as a part of quality pharmacy practice for all patients with pain, acute or chronic, and it is especially important for patients who experience pain as a result of terminal illness. All pharmacists should become knowledgeable about effective methods of pain treatment as well as statutory requirements for prescribing and dispensing controlled substances.~~

~~(2) Inadequate pain control may result from pharmacists’ lack of knowledge about pain management or an inadequate understanding of addiction. Fears of investigation or sanction by federal, state, and local regulatory agencies may also result in inappropriate or inadequate treatment of chronic pain patients. Pharmacists should not fear disciplinary action from the Board or other state regulatory or enforcement agencies for dispensing controlled substances for a legitimate medical purpose. Accordingly, these guidelines have been developed to clarify the Board’s position on pain control, specifically as related to the use of controlled substances, to alleviate pharmacist uncertainty and to encourage better pain management.~~

~~(3) The Board of Pharmacy is obligated under the laws of the State of Florida to protect the public health and safety. The Board recognizes that inappropriate dispensing of controlled substances may lead to drug diversion and abuse by individuals who seek them for other than legitimate medical use. Pharmacists should be diligent in preventing the diversion of drugs for illegitimate purposes.~~

~~(1)(4) An order purporting to be a prescription that is not issued for a legitimate medical purpose not in the usual course of professional treatment nor in legitimate and authorized research is not a prescription and the pharmacist knowingly filling such a purported prescription shall be subject to penalties for violations of the law.~~

(2) The following criteria ~~shall~~ ~~should~~ cause a pharmacist to question whether a prescription was issued for a legitimate medical purpose:

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

(3) If any of ~~the~~ these criteria ~~in~~ (2) is met, the pharmacist shall:

~~(a) Require~~ ~~should~~ ~~insist~~ that the person to whom the medication is dispensed provide picture identification and the pharmacist should photocopy such picture identification for the pharmacist’s records. If a photocopier is not available, the pharmacist should document on the back of the prescription complete descriptive information from the picture identification. If the person to whom medication is dispensed has no picture identification, the pharmacist should confirm the person’s identity and document on the back of the prescription complete information on which the confirmation is based.

~~(b) Verify~~ The pharmacist should also verify the prescription with the prescriber. A pharmacist who believes a prescription for a controlled substance medication to be valid, but who has not been able to verify it with the prescriber, may determine not that he or she is unable to supply the full quantity and may dispense a partial supply, not to exceed a 72 hour supply. After verification by the prescriber, the pharmacist may dispense the balance of the prescription within a 72 hour time period following the initial partial filling, unless otherwise prohibited by law.

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

~~(5)(6)~~ Any pharmacist who has reason to believes that a prescriber of controlled substances is involved in the diversion of controlled substances shall report such prescriber to the Department of Health.

~~(6)(7)~~ No change.

Specific Authority 465.005, 465.0155 FS. Law Implemented 456.072(1)(i), 465.0155, 465.016(1)(i),(o), 465.017(2) FS. History--New 8-29-02, Amended 2-24-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Reef Fish

RULE TITLE:

Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/Retail Purchase Exemption

RULE NO.:

68B-14.0036

PURPOSE AND EFFECT: The federal Secretarial Fishery Management Plan for red grouper in the Gulf of Mexico lowers harvest rates by 9.4%. This was achieved by across-the-board reductions to both commercial and recreational sectors. The commercial reduction is implemented through quotas and season closures. The recreational harvest is reduced by setting the bag limit at two red grouper out of the five grouper aggregate limit. The purpose of this rulemaking pursuant to subsection (6) of Section 120.54, Florida Statutes, is to conform Florida's rule for recreational red grouper harvest to this reduction in the bag limit applicable in adjacent federal EEZ waters. The effect of this rule change should be to increase the health and abundance of the red grouper resource in the Gulf of Mexico.

SUMMARY: A new paragraph (2)(b) is inserted in Rule 68B-14.0036, F.A.C., to limit harvest and possession of red grouper in the Gulf of Mexico to 2 fish per day.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), FLORIDA STATUTES.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

Substantially affected persons may, within 14 days of the date of this notice, file an objection to this rulemaking with the agency. The objection shall specify the portions of the proposed rule to which the person objects and the specific reasons for the objection.

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/Retail Purchase Exemption.

(1) No change.

(2) Grouper.

(a) Aggregate bag limit. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than a total of 5 grouper per day, in any combination of species.

(b) Red Grouper. Except as provided elsewhere in this rule, in all state waters of the Gulf of Mexico, within the aggregate bag and possession limit established in paragraph (a), no more than 2 fish may be red grouper. No recreational harvester may harvest in or from state waters of the Gulf of Mexico, nor possess while in or on the waters of the Gulf of Mexico, more than 2 red grouper.

~~(c)(b)~~ Gag and black grouper. Except as provided elsewhere in this rule, in all state waters of the Atlantic Ocean and all state waters of Monroe County, within the aggregate bag and possession limit established in paragraph (a), no more than 2 fish may be gag or black grouper, either individually or in combination. No recreational harvester may harvest in or from state waters of the Atlantic Ocean or in or from state

waters of Monroe County, nor possess while in or on the waters of the Atlantic Ocean or in or on state waters of Monroe County, more than 2 such fish.

~~(d)~~(e) Speckled hind and Warsaw grouper. No recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than one speckled hind or more than one Warsaw grouper per day, and no more than one of each species shall be possessed aboard any vessel in or on state waters, at any time. Such fish shall be counted for purposes of the aggregate grouper bag and possession limit prescribed in paragraph (a).

~~(e)~~(f) Nassau grouper and goliath grouper. No person shall harvest in or from state waters, nor possess while in or on the waters of the state, or land, any Nassau grouper or goliath grouper. The purchase, sale, or exchange of any Nassau grouper or goliath grouper is prohibited.

(3) through (8) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-31-98, Amended 3-1-99, Formerly 46-14.0036, Amended 10-22-99, 1-1-00, 3-6-00, 3-1-01, 1-1-03, _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE TITLES:	RULE NOS.:
Certificate of Coverage	69H-2.004
Other Forms Adopted	69H-2.008
Property Damage Coverage for State-Owned Vehicles	69H-2.010

PURPOSE AND EFFECT: The amendment to Rule 69H-2.004, F.A.C., provides an addendum to assess the amount of reimbursement paid for property damage coverage and administrative costs associated with off-duty coverage for motor vehicles used by law enforcement officers.

SUMMARY: Essentially, state agencies that employ such officers will be assessed a premium for those officers so the Division of Risk Management can pay covered claims. This will establish transparency as to determination of charges and premiums to state agencies. The purpose of this amendment to Rule 69H-2.008, F.A.C., is to reflect changes to the Automobile Accident Form. The changes allow the user to include an accident map and allow the user to include a more descriptive summary of the accident. The purpose of the adoption of Rule 69H-2.010, F.A.C., is to establish a deductible for officers determined to be at fault in incidents involving approved activities in motor vehicles used by the officers. This creates cost expectations in budget planning for state agencies and officers. The rule also creates a structure for processing and adjusting claims in the Division of Risk Management. It will adjust claims by off-duty law enforcement officers involved in motor vehicle accidents.

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: 284.39, 284.311 FS.

LAW IMPLEMENTED: 284.30, 284.31, 284.40, 284.311 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., January 6, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754

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 above.

THE FULL TEXT OF THE PROPOSED RULES IS:

69H-2.004 Certificate of Coverage.

(1) The Department shall adopt and use a Certificate of Coverage form indicating the insured agency and the coverage provided by the Fund.

(2) Form DI4-867, "State Employee Workers' Compensation and Employer's Liability Certificate of Coverage," rev. 3/01, which is hereby adopted and incorporated by reference, will be used to provide employee workers' compensation and employer's liability coverage to the agency named on the certificate.

(3) Form DI4-863, "General Liability Certificate of Coverage," rev. 3/01, which is hereby adopted and incorporated by reference, will be used to provide general liability insurance coverage to the agency named on the certificate.

(4) Form DI4-864, "Fleet Automobile Liability Certificate of Coverage," rev. 3/01, which is hereby adopted and incorporated by reference, will be used to provide fleet automobile liability coverage to the agency named on the certificate.

(5) Form DFS-D0-864A, "State Risk Management Trust Fund Addendum to Automobile Liability Certificate of Coverage for Off-Duty Law Enforcement Vehicle Property

Damage.” rev. 7/04, which is hereby adopted and incorporated by reference, will be used to provide addendum to automobile liability coverage to the agency named on the certificate.

~~(6)(5)~~ Form DI4-865, “Federal Civil Rights Liability and Employment Discrimination Certificate of Coverage,” rev. 3/01, which is hereby adopted and incorporated by reference, will be used to provide coverage for federal civil rights actions under 42 U.S.C.S. 1983 or similar federal statutes to the agency named on the certificate.

~~(7)(6)~~ Form DI4-862, “Court Awarded Attorney Fees Certificate of Coverage,” rev. 3/01, which is hereby adopted and incorporated by reference, will be used to provide coverage for court awarded attorney’s fees in other proceedings against the agency named on the certificate.

Specific Authority 284.39 FS. Law Implemented 284.31 FS. History—New 7-29-72, Formerly 4-30.05, 4-30.005, Amended 1-7-92, 6-28-01, Formerly 4H-2.004, Amended _____.

69H-2.008 Other Forms Adopted.

(1) The following forms are hereby adopted and incorporated by reference. These forms shall be used to aid the Division in the performance of its administrative duties by securing pertinent facts and information on claims filed against the Fund, as the circumstances of particular cases may require.

- (a) ~~DFS-D014-261~~ Automobile Accident Report rev. 1/03 ~~6/00~~
- (b) DI4-866 Mileage Reimbursement rev. 3/01
- (c) DI4-1403 General Liability Loss Report rev. 6/00
- (d) DI4-1404 Lien Disclosure Statement rev. 3/01
- (e) DI4-1406 Insurer’s Disclosure Statement Pursuant to Section 627.4137, F.S. rev. 6/00
- (f) DFS-D0-1407 Medical Authorization rev. 3/04
- (g) DI4-1410 Substitute Form W9 new 6/00

(2) Copies of each form adopted and incorporated by reference in this rule are available from the Division of Risk Management, Department of Financial Services, Larson Building, Tallahassee, Florida 32399-0336.

Specific Authority 284.39 FS. Law Implemented 284.30, 284.40 FS. History—New 1-7-92, Amended 6-28-01, Formerly 4H-2.008, Amended 7-4-04, _____.

69H-2.010 Property Damage Coverage for State-Owned Vehicles.

(1) Definitions: The following definitions shall apply to the property damage coverage established in this Rule:

(a) “Motor vehicle” – Any self-propelled vehicle with two or four or more wheels which is of a type both designed and required to be licensed for use on the highways of this state and any trailer or semi trailer designed for use with such vehicle. The term includes a “private passenger motor vehicle” which is any motor vehicle which is a sedan, station wagon, or jeep-type

vehicle and, if not used primarily for occupational, professional or business purposes, a motor vehicle of the pickup, panel, van, camper, or motor home type. The term also includes a “commercial motor vehicle” which is any motor vehicle that is not a private passenger motor vehicle. The term does not include a mobile home or any motor vehicle which is used in mass transit other than public school transportation, and designed to transport more than five passengers exclusive of the operator of the motor vehicle and which is owned by a municipality, a transit authority, or a political subdivision of the State.

(b) “At fault” – A law enforcement officer shall be deemed “at fault” if the “contributing cause” code on a Florida Traffic Crash Report Long Form is anything other than code “01”, (no improper driving action).

(c) “Actual cash value” – Replacement cost minus depreciation.

(d) “Property damage” – Physical damage to the covered motor vehicle due to collision or impact with another vehicle or object or due to other accidental loss.

(2) Coverage Provided.

(a) The State Risk Management Trust Fund (The Fund) will pay for property damage to a motor vehicle owned by a state agency when this property damage occurs while the motor vehicle is being used by a law enforcement officer, as defined in Section 943.10, F.S., for off-duty work for which the officer must reimburse the state, subject to the exclusions and deductible amounts, as defined in subsections (2)(d) and (2)(e) of this Rule. The Fund will pay reasonable repair costs or the actual cash value of the vehicle whichever is less.

(b) If an independent appraisal of the property damage is required, the Fund will pay for this expense. If the accidental loss results in the motor vehicle being declared a total loss, the Fund will pay the state agency the actual cash value of the motor vehicle (minus any applicable deductible amounts), and the Fund shall retain the salvage value of the motor vehicle.

(c) The Fund will reduce the payments for property damage to the state agency by any applicable deductible amount when the law enforcement officer is determined to be at fault in causing property damage to the motor vehicle.

(d) Exclusions: The Fund will not pay for property damage if:

1. The law enforcement officer was not in the course and scope of approved off-duty activities when the property damage occurred;

2. The law enforcement officer is found to have acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety or property;

3. The law enforcement officer does not have to reimburse the State for use of the motor vehicle;

4. The property damage is due to wear and tear or mechanical breakdown;

5. The property damaged is equipment owned by the state and unattached to the motor vehicle; or

6. The property damaged is the personal property of the law enforcement officer.

(e) Limit of Liability: The Fund's limit of liability will be the lesser of the actual cash value of the damaged property or an amount necessary to repair or replace the property with other property of like kind and quality. An adjustment for depreciation and physical condition will be made in determining actual cash value in the event of a total loss. If a repair or replacement results in better than like kind of quality, the Fund will not pay for the betterment.

(f) Secondary coverage: The coverage set forth in this Rule is secondary to any primary coverage available from any other source. A claim must first be presented under all existing primary coverages available to the claimant, after which a claim under this Rule may be made.

(3) Premium Assessments and Reimbursement.

(a) The Division of Risk Management (The Division) will determine the exposure base for the calculation of costs of providing physical damage coverage according to the number of law enforcement officers using state motor vehicles while performing off-duty employment.

(b) The Division will determine the experience base by the dollar amount paid on claims.

(c) Each state agency shall, no later than April 1 each fiscal year, report to the Division the estimated number of law enforcement officers using state motor vehicles while performing their off-duty employment for the upcoming fiscal year. A state agency shall use Form DFS-D0-861, "Exposure Base Inquiry", rev. 6/00, hereby adopted and incorporated by reference. Copies of this form are available from the Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0337;

(d) Premium calculation.

1. The Division will calculate the total premium based on agencies' experience and exposure (except for the first year). Assessment amounts will fluctuate each year depending on exposure and experience criteria.

2. The assessment amount will be the total anticipated cash payments to be made for property damage payments during the fiscal year, plus an additional charge to offset the Division's operating costs. The Division will calculate this additional charge by multiplying the total anticipated annual property damage payments by an industry average operating cost percentage.

3. The Division will apply any surplus or deficit amounts assessed in the fiscal year, less the administrative portion of the assessment, against the following fiscal year assessment.

4. The Division will assess each state agency according to its proportionate amount of the entire statewide assessment.

(e) Invoices.

1. Each fiscal year, the Division will invoice each state agency for the total amount of its assessment.

2. Each state agency shall pay the assessed amount to the Division within thirty days following the state agency's receipt of the assessment invoice. Payments will be provided from one of the agencies' standard operating categories.

3. Each state agency will administer and collect the law enforcement officers' portion of the agency assessment. The Division shall have no role in this administration and collection. Reimbursements will not be given to officers who leave state employment during the covered fiscal year. The premium is annualized, and will not be prorated for those officers who leave state employment or who request coverage during the covered fiscal year.

(f) Questions regarding this Rule will be addressed to the Finance and Accounting Director, Division of Risk Management, 200 East Gaines Street, Tallahassee, FL 32399-0337.

(4) Deductible Assessment.

(a) The Division will apply a deductible amount toward the costs of repairs and/or total loss payments, for accidents in which the off-duty officer is determined to be at fault.

(b) The Division will compute the deductible amount and adjust the amount at the beginning of each fiscal year. The Division will notify state agencies of the deductible amount no later than July 1 of each fiscal year.

(5) Claims Processing.

(a) Accidents shall be reported to the Division, using Form DFS-D0-261 "Automobile Accident Report", rev. 1/03, which is hereby adopted and incorporated by reference. Copies of the form adopted and incorporated by reference in this subsection are available from the Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0338.

(b) The state agency will submit all supporting documentation for the accident to the Division, including at a minimum the following:

1. The name of the state agency employing the law enforcement officer;

2. A statement certifying that: a) the employee is a law enforcement officer as defined in Section 943.10, Florida Statutes; b) the state agency approved the off-duty employment; c) the law enforcement officer was required to reimburse the agency for use of the motor vehicle; and d) the law enforcement officer purchased coverage by payment of a premium for the fiscal year in which the accident occurred, verified by a receipt from the Agency showing such payment or a copy of the law enforcement officer's pay stub showing such payment.

3. If the form described in subsection (5)(a) of this Rule is unavailable, then an opinion as to whether the state agency believes the law enforcement officer was at fault in causing the property damage;

4. Photographs of the vehicle damage if feasible;

5. If other than a total loss of the motor vehicle occurs, then two estimates for vehicle repairs, and invoices for the repairs; and

6. All available accident reports.

(c) The Division will adjust the claim and issue payment for the repairs to the state agency, according to its Policies and Procedures.

(d) In the event of a total loss claim, the Division will dispose of the salvage and retain any salvage value.

(e) The Division will pursue subrogation on claims caused by the negligence of another party, and will retain any funds recouped by it.

(f) Questions regarding this Rule will be addressed to the Insurance Specialist II, Automobile Appraisals, Division of Risk Management, 200 East Gaines Street, Tallahassee, FL 32399-0338.

Specific Authority 284.311 FS. Law Implemented 284.311 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trilly Lester, Director of Risk Management, Division of Risk Management, Department of Financial Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 29, 2004

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.004
RULE TITLE: Voting Machine Equipment Regulation/Purchase, Use and Sale

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule development, as noticed in Vol. 30, No. 22, May 28, 2004, Florida Administrative Weekly has been withdrawn.

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.: 33-203.201
RULE TITLE: Inmate Trust Fund
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. 36, (September 3, 2004), issue of the Florida Administrative Weekly:

33-203.201 Inmate Trust Fund.

(1) The following are the policies of the department with respect to money received for the personal use or benefit of inmates:

(a) through (g) No change.

(h) Pursuant to Section 944.516, F.S., each inmate shall be charged an administrative processing fee of no more than \$6.00 ~~\$4.00~~ per month for banking services. The fee shall be based upon account activity for the month. An inmate whose account has no activity for the month shall not be assessed a fee for that month. Inmates shall be charged \$1.00 for each weekly draw, and \$0.50 for each deposit and each special withdrawal.

(2) through (12) No change.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.: 59G-13.001
RULE TITLES: Providers Who Bill on the Non-Institutional 081
59G-13.110 Project AIDS Care Waiver 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. 44, October 29, 2004, issue of the Florida Administrative Weekly. These changes are in response to written comments received prior to the public hearing.

The following language was added to Rule 59G-13.001, F.A.C., at the end of subsection (2), "These forms are available from the Medicaid fiscal agent."

The following language was added to Rule 59G-13.110, F.A.C., at the end of paragraph (3), "These forms, except for the Project AIDS Care Physician Referral and Request for Level of Care Determination, CARES Form 607, and the PHC Initial Care Management Assessment, AHF/FPHC © 06/2002, are available by photocopying them from the Florida Medicaid

Project AIDS Care Waiver Services Coverage and Limitations Handbook. The handbook is available from the Medicaid fiscal agent. The Project AIDS Care Physician Referral and Request for Level of Care Determination, CARES Form 607, is available from the Department of Elder Affairs, CARES unit, and the PHC Initial Care Management Assessment, AHF/FPHC © 06/2002, is available from Positive Healthcare.”

The rule incorporates by reference the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook, July 2003. The following change was made to the handbook.

Appendix A, Page A-1 and A-2. We deleted the appendix cover and the PAC Waiver Services Procedure Codes, Reimbursement and Maximum Limits for dates of services prior to October 16, 2003; because the procedures codes listed are obsolete.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER NO.: 60Z-1
 RULE CHAPTER TITLE: Municipal Police Officers’ Retirement Trust Fund
 RULE NO.: 60Z-1.026
 RULE TITLE: Use of State Premium Tax Revenues

NOTICE OF WITHDRAWAL

Notice is hereby given that the above Notice of Proposed Rulemaking regarding the above rules, as noticed in Vol. 29, No. 10, March 7, 2003, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER NO.: 60Z-2
 RULE CHAPTER TITLE: Municipal Firefighters’ Pension Trust Fund
 RULE NO.: 60Z-2.017
 RULE TITLE: Use of Premium Tax Revenues

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rules published in the Florida Administrative Weekly, Vol. 29, No. 10, March 7, 2003, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-11.017
 RULE TITLE: Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States

NOTICE OF CHANGE

Notice is hereby gives notice that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 39, of the September 24, 2004, Florida Administrative Weekly. The rule(s) shall now read as follows:

A licensee who is the spouse of a member of the Armed Forces of the United States and has been caused to be absent from the State of Florida because of their spouse’s duties with the Armed Forces shall be exempt from all licensure renewal provisions during such absence. The licensee must show proof to the Board of their absence from the state and the spouse’s military status.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE NO.: 61G6-5.001
 RULE TITLE: Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 5, on January 31, 2003 and in Vol. 29, No. 7, on February 14, 2003 (Notice of Change), of the Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE NO.: 61G6-5.002
 RULE TITLE: Application for Certification by Examination; Reexamination

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. 45, of the November 5, 2004, issue of the Florida Administrative Weekly. The rule shall now read as follows:

(1) An applicant for certification by examination or by endorsement shall submit the complete application form together with all supporting data (including information required to be submitted under Rules 61G6-5.004 and 61G6-5.003, F.A.C., if applicable) to the Department of Business and Professional Regulation. The application shall be accompanied by the application fee. All initial applications for examination must be completed and filed with the Department at least ninety (90) days prior to the date of the Technical/Safety examination that is administered by the Department. All applications not completed by the deadline will be automatically scheduled for the next examination.

Correspondence, requests, information or other documents pertinent to the application must be postmarked twenty-one (21) days or received fourteen (14) days prior to any scheduled meeting of the Board. Items received after the fourteen (14) day period may not be considered until the next meeting of the Board. Any application that is not complete within one year from date of initial filing will be closed. The form is entitled "Examination Application," DBPR ECLB 4451, Effective Date: November 12, 2004, and incorporated herein by reference. Applicants shall also complete the following forms: DBPR 0010, Master Individual Application, Effective Date: November 12, 2004, DBPR ECLB 4454 – Work Experience, Effective Date: November 12, 2004, DBPR 0050, Explanatory Information for Background Questions, Effective Date: November 12, 2004, DBPR 0060, General Explanatory Description, Effective Date: November 12, 2004 and DBPR 0030-1, Attest Statement, Effective Date: November 12, 2004, incorporated herein by reference. Copies of the application and other forms required by this Rule can be obtained by contacting the Department at the following address: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, or at: <http://www.state.fl.us/dbpr/pro/forms/elboard/index.shtml>.

(2) All retake exam ~~reexamination~~ applications, and any other required forms and documents must be completed and filed with the Department at least forty-five (45) days prior to the date of the Technical/Safety examination for which the individual is applying. The form is entitled "Retake Exam Application," DBPR ECLB 4457, Effective Date: November 12, 2004, and incorporated herein by reference. Copies of the application can be obtained by contacting the Department at the following address: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, or at: <http://www.state.fl.us/dbpr/pro/forms/elboard/index.shtml>.

(3) The initial Business Computer-Based Test portion may be taken from the professional testing service at any time after the applicant has been approved to sit for the initial paper and pencil Technical/Safety examination. For re-examination on the Technical/Safety examination, a retake exam application must be submitted to the Department. For re-examination on the Computer-Based Test, a retake exam application is not required to be submitted to the Department. There shall be a 21-day waiting period between retakes of the Business Computer-Based Test.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-6.005
 RULE TITLE: Reexamination
 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. 45, of the November 5, 2004, issue of the Florida Administrative Weekly. The rule shall now read as follows:

(1) An applicant who fails the Technical/Safety certification examination or who does not appear at the examination shall be entitled to take the next examination upon payment of the reexamination fee and compliance with subsection two of this rule, if applicable. The Business Computer-Based Test may be taken up to three (3) times after the candidate is initially approved to sit for the examination. The Technical/Safety examination portion may be taken up to three (3) times after the candidate is initially approved to sit for the examination. A retake exam application must be submitted to the Department for each attempt of the Technical/Safety portion of the examination. However, a retake exam application shall not be required to be submitted for each retake of the Computer-Based Test and there shall be a 21-day waiting period between retakes of the Business Computer-Based Test.

(2) Prior to reexamination, an applicant who has taken and failed the certification examination portions 3 or more times, must complete a minimum of 7 hours of continuing education courses in area(s), technical, general business or safety, where a passing grade of 75% was not achieved on the last exam portions. Only courses taken in an area(s) in which a passing grade was not received will be counted toward meeting this requirement. If more than one area was not passed, the applicant must take 7 hours of courses in each area where a passing grade was not achieved. Courses taken pursuant to this provision may not be used to satisfy any other educational requirement.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board Accountancy

RULE NO.: 61H1-29.003
 RULE TITLE: Experience for Licensure by Endorsement

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 30, No. 47, November 19, 2004, issue of the Florida Administrative Weekly. These changes are being made in response to comments from the Joint Administrative Procedures Committee.

61H1-29.003 Experience for Licensure by Endorsement.

(1) Any applicant seeking licensure by endorsement under Section 473.308(3), F. S., shall meet the requirements of that section provided that, while licensed in another state, the applicant has completed whatever continuing education is required by that state to maintain an active license to practice public accounting in that state, so long as such requirements are equivalent to those required to maintain an active license in Florida for the two (2) years immediately preceding the filing of the application.

(2) Experience used to meet the requirements of Section 473.308(4), F.S., must include at least five years experience in the practice of public accounting while licensed after licensure as a Certified Public Accountant or Chartered Accountant in the practice of public accounting or as an auditor or accountant in a unit of federal, state, or local government provided that the position held meets the activity and supervision requirements set forth in Section 473.308(4), F.S.

~~The applicant shall, while licensed in another state, complete continuing education required to be recognized to practice public accounting in the state.~~

Specific Authority 473.304, 473.308 FS. Law Implemented 473.308 FS. History—New 4-24-88, Amended 6-12-88, Formerly 21A-29.003, Amended 2-12-98, 5-19-03, _____.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.:

61H1-36.004

RULE TITLE:

Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

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. 37, September 10, 2004, issue of the Florida Administrative Weekly. These changes are being made in response to comments by the Joint Administrative Procedures Committee.

61H1-36.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1)(a) The board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating Chapter 473, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon violations of particular provisions of Chapter 473, F.S. The disciplinary guidelines are based upon a single count violation of each provision listed. ~~Multiple counts of violations of the same provision of Chapter 473 or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties.~~ All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty at the board's discretion.

(b) Standard probationary terms will include, as applicable, a review of the licensee's practice, including analysis of selected financial statements (including working papers), restriction of the scope of the licensee's practice and review of internal controls put in place by the licensee in order to eliminate the violation. All of the above will usually include the use of a CPA consultant employed by the Department of Business and Professional Regulation or approved by the Board and will usually require the licensee to assume the cost of the consultant's activities. Additional continuing education may also be required of a licensee where deficiencies in a particular practice area are noted. In all cases of probation or suspension a report showing compliance with the terms of the final order must be received and accepted by the Board prior to the termination of the probation or suspension. Other specific terms of probation or suspension may be imposed, as necessary, by the Board.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) Attempting to procure license by bribery or fraudulent misrepresentation (<u>455.227(1)(h)</u> , 473.323(1)(b), <u>F.S.</u>)	Revocation and \$5,000 fine if licensed (denial of license and refer to State Attorney if not licensed)	
(b) CPA License disciplined by another jurisdiction (<u>455.227(1)(f)</u> , 473.323(1)(c), F.S.)	Same penalty as imposed in other jurisdiction or imposition of same range of penalties as those set forth in those rules for the same type of violation.	
(c) Criminal conviction relating to accountancy (<u>455.227(1)(c)</u> , 473.323(1)(d), F.S.)	Misdemeanor: Reprimand Felony: One (1) year suspension; two (2) year probation \$5,000 fine	Reprimand and \$5,000 fine one (1) year suspension and two (2) year probation Revocation and \$5,000 fine
(d) Knowingly making or filing false report (<u>455.227(1)(g)</u> , <u>(1)(l)</u> , 473.323(1)(e), F.S)	Reprimand one (1) year probation	Revocation and \$5,000 fine
(e) Fraudulent, false, deceptive or misleading advertising (473.323(1)(f), F.S., <u>Rule 61H1-24.001, F.A.C.</u>)	Letter of Guidance	Reprimand, one (1) year probation and \$5,000 fine
(f) Incompetence (mental or physical impairment) (473.323(1)(g), F.S., <u>Rule 61H1-36.001, F.A.C.</u>)	Suspension until ability to practice proved, followed by probation	
(g) Fraud, or <u>deceit or misleading</u> (<u>455.227(1)(a)</u> , <u>(m)</u> , 473.323(1)(g), (k), F.S.)	Reprimand, one (1) year suspension; two (2) years probation and \$5,000 fine	\$5,000 fine and revocation
(h) Negligence or misconduct 1. Technical standards and professional competence (<u>455.227(1)(o)</u> , 473.315, F.S.; <u>Rules 61H1-21.006 and 61H1-22, F.A.C.</u>) 2. Lack of independence (473.315, <u>473.319</u> , <u>473.3205, F.S.</u> ; <u>Rule 61H1-21.001, F.A.C.</u>) 3. Commissions and contingent fees (<u>Rules 61H1-21.001</u> , 61H1-21.003, 61H1-21.005, <u>F.A.C.</u>) 4. Client records disposition (<u>Rule 61H1-23.002, F.A.C.</u>)	Letter of Guidance Reprimand, one (1) year probation with review of practice and continuing education Reprimand Letter of Guidance	Reprimand and one (1) year probation (continuing education and review of practice at licensee's expense and limited area of practice) Reprimand, one (1) year suspension, two (2) years probation and review of practice and continuing education One (1) year suspension, two (2) years probation \$5,000 fine Suspension until records are returned
(i) Solicitation (473.323(1)(i), F.S.; <u>Rule 61H1-24.002, F.A.C.</u>)	Letter of Guidance	Reprimand, one (1) year probation - \$5,000 fine and one (1) year suspension

(i)(+) Practicing on suspended or revoked license (473.323(1)(i), F.S.)	Revoke if previously suspended; refer to State Attorney if previously revoked	
(j)(+) Practicing on inactive or delinquent license (455.271, 473.323(1)(i), F.S.)	Reprimand and fine based on length of time in practice while inactive; \$100/month or \$5,000 maximum (penalty will require licensure or cease practice)	
(k)(+) Licensees practicing in an unlicensed firm (including sole proprietors) or otherwise in violation of 473.309, 473.3101, and 473.323(1)(g), F.S.; <u>Rule 61H1-26.001, F.A.C.</u>	Reprimand and \$100 per month fine to maximum of \$5,000 and suspension of right to practice until corrected	
(l)(+) Suspension of right to practice in front of any state or federal agency (455.227(1)(f), 473.323(1)(j), F.S.)	Same penalty as imposed by agency or imposition of same range of penalties as those set forth in those rules for the same type of violation	
(m)(+) Lack of Good Moral Character (473.323(1)(l), F.S.)	Reprimand; and one year probation	Revocation
(n)(+) Failure to pay fines or administrative costs imposed by final order or citations set forth in 61H1-36.005, <u>F.A.C.</u>	\$100 per month late fee for every month the licensee is late to a maximum of \$5,000	Revocation
(o)(+) Violation of CE requirements (473.323(1)(a) by 473.312 or 473.323(1)(h), 455.227(1)(q), F.S. by 61H1-33.003 and/or 61H1-33.0035, F.A.C.)	<u>Reprimand, probation, make up missed CEs and penalty CEs</u>	<u>Suspension and \$1000 fine</u>
(p)(+) Violation of client confidentiality (473.323(1)(a) by 473.316(1)(h), or 455.227(1)(q), F.S. by 61H1-23.001, F.A.C.)	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5000 fine</u>
(q)(+) Misleading or deceptive name (473.323(1)(a) by 473.321, F.S.)	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5000 fine</u>
(r)(+) Violation of 473.323(1)(a) by 473.322, F.S.:		
1. Present license of another as one's own (473.322(1)(d), F.S.)	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5000 fine</u>
2. Give false or forged evidence to Board or member thereof (473.322(1)(e), F.S.)	<u>Reprimand, probation, and \$1000 fine</u>	<u>Revocation and \$5,000 fine</u>
3. Use or attempt to use license that has been suspended, revoked, or placed on inactive or delinquent status (473.322(1)(f), F.S.)	<u>Reprimand, probation, and \$1000 fine</u>	<u>Revocation and \$5,000 fine</u>
4. Employ unlicensed persons to practice public accounting; aiding or assisting unlicensed practice public accounting. (473.322(1)(g), F.S.)	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5000 fine</u>

<u>5. Conceal information relative to violations of Chapter 473 (473.322(1)(h), F.S.)</u>	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5000 fine</u>
<u>(s)(†) Failure to provide legally-required written disclosure to client or public (violation of 473.323(1)(m), F.S.)</u>	<u>Reprimand, Probation, and \$1000 Fine</u>	<u>Suspension and \$5,000 fine</u>
<u>(t)(*) Violation of 473.323(1)(a) by 455.227(1), F.S.:</u>		
<u>1. Improper influence on client (Section 455.227(1)(n), F.S.)</u>	<u>Reprimand, Probation, and \$1000 Fine</u>	<u>Revocation and \$5,000 fine</u>
<u>2. Improper delegation of professional responsibilities (Section 455.227(1)(p), F.S.)</u>	<u>Reprimand, Probation, and \$1000 Fine</u>	<u>Suspension and \$5,000 fine</u>
<u>3. Improper interference with investigation or disciplinary proceeding (Section 455.227(1)(r), F.S.)</u>	<u>Reprimand, Probation, and \$1000 Fine</u>	<u>Revocation and \$5,000 fine</u>
<u>4. Failure to perform statutory/ legal obligations (455.227(1)(k), F.S.)</u>	<u>Reprimand, Probation and \$1000 Fine</u>	<u>Suspension and \$1,000 fine</u>
<u>(u)(*) Failure to maintain current address (violation of 455.275, 455.227(1)(q), and 473.323(1)(h), F.S. by violating Rule 61H1-26.005, F.A.C.)</u>	<u>Reprimand and \$500 Fine</u>	<u>Suspension and \$1,000 fine</u>
<u>(v)(*) Standards for assembly of financial statements (violation of 455.227(1)(q) and 473.323(1)(h), F.S. by Rule 61H1-20.0053, F.A.C.)</u>	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5,000 fine</u>
<u>(w)(*) Violation of 473.323(1)(h) and 455.227(1)(q), F.S., by Rule 61H1-25.001, F.A.C.) Same as (t)(*) (2) supra</u>	<u>Reprimand, probation, and \$1000 fine</u>	<u>Suspension and \$5,000 fine</u>
<u>(x)(*) Minimum Capital (Violation of and 455.227(1)(q) and 473.323(1)(h), F.S. by Rule 61H1-26.002, F.A.C.)</u>	<u>Reprimand, Probation, \$1000 Fine and Corrective Action. Must document required capital.</u>	<u>Suspension and \$5,000 Fine</u>
<u>(y)(*) Licensure of firm names and changes (violation of 455.227(1)(q) and 473.323(1)(h), F.S. by Rules 61H1-26.003 and 61H1-26.004, F.A.C.)</u>	<u>Reprimand, Probation, \$100/ Month Fine and Corrective Action. Must document licensure.</u>	<u>Suspension and \$5,000 Fine</u>
<u>(aa) Failure to report discipline violation (455.227(1)(i), F.S.)</u>	<u>Reprimand, Probation, and \$1000 Fine.</u>	<u>Suspension and \$5,000 Fine.</u>

(3) The Board shall be entitled to deviate from the above-mentioned guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the Board prior to the imposition of a final penalty.

(a) Aggravating circumstances: circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the enhancement of a penalty beyond the maximum level of discipline in the guidelines shall include but not be limited to the following:

1. History of previous violations of the practice act and the rules promulgated thereto.

2. In the case of negligence; of the magnitude and scope of the engagement and the damage inflicted upon the general public by the licensee's misfeasance.

3. Evidence of violation of professional practice acts in other jurisdictions wherein the licensee has been disciplined by the appropriate regulatory authority.

4. Violation of the provision of the practice act wherein a letter of guidance as provided in Section 455.225(3), F.S. has previously been issued to the licensee.

5. Multiple convictions of violations of the same provision of Chapter 473, F.S., or the rules promulgated thereto contained in the same administrative complaint.

(b) Mitigating circumstances; circumstances which may justify deviating from the above set forth disciplinary guidelines and cause the lessening of a penalty beyond the minimum level of discipline in the guidelines shall include but not be limited to the following:

1. In cases of negligence, the minor nature of the engagement in question and lack of danger to the public health, safety and welfare resulting from the licensee's misfeasance.
2. Lack of previous disciplinary history in this or any other jurisdiction wherein the licensee practices his profession.
3. Restitution of any damages suffered by the licensee's client.
4. The licensee's professional standing among his peers including continuing education.
5. Steps taken by the licensee or his firm to insure the non-occurrence of similar violations in the future.
6. The degree of financial hardship incurred by a licensee as a result of the imposition of fines or the suspension of his practice.
7. Cooperation with the Department of Business and Professional Regulation and the Board including understanding and admission of the violation by the Respondent.

Specific Authority 455.2273 FS. Law Implemented 455.2273, 473.323(1)(m) FS. History--New 1-7-87, Amended 9-16-87, 8-25-88, 6-18-91, 12-30-91, Formerly 21A-36.004, Amended 12-7-93, 5-23-94, 8-16-99, _____.

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

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

Division of Medical Quality Assurance

RULE NO.: 64B-5.001
 RULE TITLE: Definitions

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. 30, July 23, 2004, issue of the Florida Administrative Weekly. The changes are in response to the Final Order issued in DOAH Case No. 04-3172RP on November 23, 2004.

Section (1) of the rule shall now read as follows:

(1) "Approved provider" means approved by a board, or the department when there is no board, to provide continuing education or whose continuing education program has been approved by a board, or the department when there is no board. "Approved provider" also means an institution of higher learning or a school required to be approved by a board, or the department when there is no board, to provide continuing education or whose continuing education program has been approved by a board, or the department when there is no board. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy Jones, Director, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.: 67-53.008
 RULE TITLES: Compliance and Reporting Requirements
 Forms

NOTICE OF CORRECTION

The above-referenced proposed rules were published in the November 24, 2004, issue of the Florida Administrative Weekly, Vol. 30, No. 48, on page 4967.

The notice included 67-52.008 and 67-52.010 as the Rule Numbers for these rules. These rule numbers are incorrect. The correct Rule Numbers are 67-53.008 and 67-53.010.

The foregoing correction does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bonnie Percy Hill, Assistant Director Asset Management, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-6.015
 RULE TITLE: Record Maintenance and Production Requirements for Employers

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. 44, October 29, 2004, of the Florida Administrative Weekly. These changes are being made to address concerns expressed as a result of written comments.

(1) through (8) No change.

(9) Workers' compensation insurance and certificates of election to be exempt.

(a) No change.

(b) Every employer shall maintain all premium audit documents provided by the workers' compensation carrier to the employer and all premium self-audits, together with supporting documentation and correspondence provided by the employer to its workers' compensation carrier.

(c) through (e) No change.

(10) through (12) 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 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

Office of Insurance Regulation

RULE TITLE: RULE NO.:

Special Provisions; Personal Residential
and Commercial Residential Property
Insurance Policies 69OER04-06

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Financial Services Commission and the Office of Insurance Regulation ("Office") hereby state that the following circumstances constitute an immediate danger to the public health, safety, or welfare:

The 2004 hurricane season has been particularly destructive for Florida. Insured losses due to the multiple storms have been estimated to be collectively \$20 billion. Tropical Storm Bonnie caused damage in north Florida. 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 path extending from the southwest coast there was widespread major damage to homes, loss of personal belongings and corresponding temporary loss of employment.

Hurricane Frances 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, 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 state 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.

And finally, Hurricane Jeanne 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, 2004, the storm made a path northwest across the state.

The Governor of Florida has issued four orders declaring a state of emergency due to the storms (Executive Orders 04-182, 04-192, 04-206, and 04-217). The President of the United States has declared most of Florida a federal disaster area.

Insurers have reported in excess of 1.4 million property insurance claims as a result of the four hurricanes. In many areas, building contractors are unable to serve all of the needs of homeowners whose homes are damaged from the storms. Homeowners have complained to the Department of Financial Services, Division of Consumer Services that they are unable to find a contractor. Homes will be in various stages of disrepair for several months, some to the point at which they cannot meet the underwriting guidelines for voluntary insurers or even for Citizens Property Insurance Corporation because they are still under construction. Leaving these homeowners without the ability to insure their property poses an immediate threat to public safety and welfare.

There are not a sufficient number of contractors available to expeditiously complete repairs in reasonable time frames. Governor Jeb Bush has recognized this emergency state of affairs and issued Executive Order Number 04-241, on November 10, 2004, extending the time period which suspends the requirement that out of state roofing contractors must be certified or registered in the State of Florida, but allows them to operate with local licenses provided they are properly licensed in their home state.

Unfortunately, there have been reports that some insurers are attempting to cancel or nonrenew insurance policies for homes that have not been completely repaired. Due to underwriting guidelines of other insurers these insureds would not be able to obtain replacement coverage with another insurer. The resulting inability to secure insurance coverage would also adversely affect the sale and exchange of damaged structures

and adversely impact the economic health and welfare in this state. Accordingly, this rule is necessary to maintain the status quo, to allow the State of Florida to recover from the storms and allow time for the construction industry to complete repairs to in excess of 1.7 million structures in this state.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Financial Services Commission believes that adopting an emergency rule is the fairest method to protect the public because of the nature and extent of the destruction caused by the 2004 Hurricane Season. An Office bulletin addressed to all regulated persons and insurers would reach them, but would not be legally binding. A permanent rule would not have the flexibility and immediacy to protect the public welfare.

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

SUMMARY OF THE RULE: Emergency Rule 69OER04-06 establishes limits on the cancellation and nonrenewal of certain personal residential and commercial residential property insurance policies for victims of the 2004 Hurricane Season and provides alternative procedures for the cancellation and nonrenewal of these policies under certain limited circumstances.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Stephen C. Fredrickson, Assistant General Counsel, Legal Services, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, FL 32399-4206, (850)413-4144

THE FULL TEXT OF THE EMERGENCY RULE IS:

69OER04-06 Special Provisions – Personal Residential and Commercial Residential Property Insurance Policies.

(1) This rule applies to all personal residential and commercial residential property insurance policies covering structures damaged as the result of Tropical Storm Bonnie or Hurricanes Charley, Frances, Ivan or Jeanne, for which a damage claim has been filed and a loss is payable or has been paid, if repairs attributable to such damage have not been completed. A nonrenewal prohibited by operation of this rule shall not require renewal for an additional term. The rule shall only require an extension of coverage until 60 days from the date the repairs have been completed as defined in subsection (2).

(2) Special Provision for Damaged, Un-repaired Property.

(a) No insurer or agent shall cancel or nonrenew a personal residential or commercial residential property insurance policy covering a dwelling or residential property located in this state which has been damaged as a result of the aforementioned storms, for a period of 60 days after the dwelling or residential property has been repaired. A structure is deemed to be "repaired" when substantially completed and the structure has been restored to the extent the structure is insurable by another authorized insurer which is writing policies in this state.

(b) However, an insurer or agent may cancel or nonrenew, prior to the repair of the dwelling or residential property:

1. Upon 10 days notice for non-payment of premium;

2. Upon 45 days notice for a material misstatement or fraud related to the claim;

3. Upon 45 days notice if the insurer can demonstrate that the insured has unreasonably caused a delay in the repair of the dwelling; or

4. Upon 45 days notice if the insurer has paid policy limits, provided the insurer has offered the insured a builders risk or other similar policy which would cover the property until completion of repairs.

(c) Except for any cancellation or nonrenewal for non-payment of premium, any cancellation or nonrenewal made pursuant to this subsection shall be reported by the insurer in writing to the Office of Insurance Regulation with the insurance company name, policyholder name, policyholder number, the date of cancellation or nonrenewal and reason(s) for the cancellation or nonrenewal action. All reports filed by insurers in compliance of this rule shall be provided to this Office as part of an ongoing market conduct examination and shall be submitted by electronic attachment to email address: 69OER04-06@fldfs.com.

(3) Nothing in this rule shall be construed to create or support a private cause of action or relate to damages recoverable in a civil action; and proof of good faith compliance with this rule shall constitute a defense in any civil action arising due to such compliance.

(4) This rule shall expire on December 31, 2004.

Specific Authority 120.54(4), 624.308, 626.9611 FS. Law Implemented 626.9541(1)(i), 626.9561, 626.9641, 627.351(6), 627.4133 FS. History—New 11-23-04.

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 23, 2004

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District hereby gives notice that it received a petition for variance on November 10, 2004 from the Florida Department of Environmental Protection, Recreation and Parks (FDEP). Pursuant to Section 373.414(17), F.S., the FDEP is seeking a variance from paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters, including Sections 10.1.1(c), 12.1.1(d) and 12.2.5(c), with respect to Environmental Resource Permit Application 4-061-75850-2, for widening and lengthening the existing boat ramps along with the construction of a floating dock at Sebastian Inlet State Park, in Indian River County. Most of the planned construction is proposed to occur directly in the Indian River, which is categorized as a Class II water classified by the Department of Agricultural and Consumer Services as conditionally restricted for shellfish harvesting. Comments on this petition should be filed with Sandra Bertram, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2004-99.

For a copy of the petition or additional information, contact: Thomas I. 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.

NOTICE IS HEREBY GIVEN that, due to an administrative error, the South Florida Water Management District (SFWMD) Governing Board issued a Corrected Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2004-207 DAO-ROW), on November 24, 2004, to Roderic and Ninon Rynerson. Original Order Granting Waiver (SFWMD 2004-196 DAO-ROW) was not properly executed; therefore the Corrected Order was issued to correct the error. The Parties' rights shall begin to run from the date of the Corrected Order Granting Waiver. 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 Corrected Order can be obtained from Kathie Ruff at the 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.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT an Emergency Petition for Variance or Waiver was received on November 1, 2004 from Lakeland Investors, LLC, d/b/a Valencia Health and Rehabilitation Center, 1350 Sleepy Hill Road, Lakeland, Florida 33810. This petition involves applicable Rule 59G-6.010, F.A.C., which incorporates by reference the Florida Title XIX Long Term Care Reimbursement Plan. Rule 59G-6.010, F.A.C., implements Florida Statute 409.908, Reimbursement to Providers.

On November 30, 2004, the Petitioner, Lakeland Investors, LLC, d/b/a Valencia Health and Rehabilitation Center, filed a Notice of Waiver of Emergency Time Limit, waiving the requirements of Rule 28-104.005, Florida Administrative Code. Pursuant to this waiver, the Agency will consider the application as a standard Petition for Variance and Waiver under Section 120.542, Florida Statutes.

Information regarding this petition may be obtained by writing: Robert Butler, Chief, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 21, Tallahassee, FL, 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Board of Architecture and Interior Design hereby gives notice that it has issued an Order on the Petition for a partial, permanent waiver filed by Barbara Candis Stott Holt. The Notice of Petition for Variance or Waiver was published in Vol. 30, No. 32, of the August 6, 2004, Florida Administrative Weekly. The Board of Architecture and Interior Design considered the Petition at its meeting held on October 4, 2004, in Key West, Florida. The Board's Order, filed on October 22, 2004, grants the petition for a permanent partial waiver, based on the following findings:

- (1) Petitioner established that the purpose of the Interior Design licensure statute will be met in that she has completed the diversified interior design experience required by Section 481.209(2)(b), Florida Statutes;
- (2) Said experience has been satisfactorily documented with the Board; and
- (3) Petitioner established that the Board's full application of subsection 61G1-22.002(5), Florida Administrative Code, to her circumstances would violate principles of fairness and would impose a substantial hardship on Petitioner.

A copy of the Board's Order may be obtained by contacting Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0751.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on November 18, 2004, the Department of Health received a petition from Edward Festa, CEO, representing Eco-Pure Waste Water Systems, Inc. requesting a variance pursuant to Section 120.542, Florida Statutes. Specifically, the petitioner seeks a variance from subparagraph 64E-6.029(2)(a)2., Florida Administrative Code, which requires ongoing sampling for nitrogen, phosphorous and fecal coliforms from advanced secondary performance based treatment systems receiving setback reductions or flow allowances.

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

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

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Florida Folklife Council** will hold a telephone conference to which all persons are invited.

DATE AND TIME: Wednesday, December 22, 2004, 9:30 a.m. – 11:30 a.m.

PLACE: Conference Call # (850)921-6433, Suncom 291-6433, Please call (850)245-6351 for information on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting and to elect new officers.

A copy of the agenda may be obtained by writing: Leo Falcon, Bureau of Historic Preservation, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office, if you need an accommodation. Accommodations can be arranged through Allison McCarthy, ADA Coordinator, Historical and Cultural Programs, (850)245-6300, Fax (850)245-6437, e-mail: amccarthy@dos.state.fl.us.

The **Department of State, Division of Cultural Affairs** announces grant writing workshops for cultural/arts organizations, to which all persons are invited. These meetings are subject to cancellation, please call to confirm the meeting date and time.

Sarasota

DATE AND TIME: January 5, 2005, 9:00 a.m. – 10:30 a.m.

PLACE: Center for Arts and Humanity, 1226 North Tamiami Trail, Sarasota, FL, (941)365-5118, Ext. 305

Tavares

DATE AND TIME: January 7, 2005, 9:00 a.m. – 12:00 Noon

PLACE: 315 West Main Street, Tavares, FL, (352)315-0231

For more information regarding the grant writing workshops, contact: Morgan Barr, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301, (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** will hold telephone conference calls during the week of December 13, 2004 to discuss general issues, to which all persons are invited. Please call (850)414-3300 for instructions on participation. If you need an accommodation because of disability in order to participate, please notify FCSW in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

COMMITTEE: Legislative Committee
 DATE AND TIME: December 14, 2004, 10:00 a.m.
 COMMITTEE: Bylaws Committee
 DATE AND TIME: December 14, 2004, 3:00 p.m.
 COMMITTEE: Executive Committee
 DATE AND TIME: December 16, 2004, 10:00 a.m.

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 EDUCATION

The Florida **Department of Education** announces the following public meetings of the DOE/General Managers of the Florida Public Broadcasting Network to which all persons are invited:

DATES AND TIME: Tuesday, January 11, 2005, 8:30 a.m.; Tuesday, February 8, 2005, 8:30 a.m.
 PLACE: WEDU-TV, Tampa, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General business related to the administrative services provided by the Department of Education to the Public Broadcasting stations in Florida.
 FOR ADDITIONAL INFORMATION, CONTACT: Ashley Roseborough, (850)245-0516, e-mail: Ashley.Roseborough@fldoe.org.

DEPARTMENT OF TRANSPORTATION

The Secure Airports for **Florida’s Economy (SAFE) Council** announces a Board of Director’s meeting and teleconference to which the public is invited.
 DATE AND TIME: December 17, 2004, 10:00 a.m. – 12:00 Noon
 PLACE: Office of Center for Urban Transportation Research, University of South Florida, 4202 E. Fowler Avenue, Tampa, FL 33620 (To attend via telephone the number to call is: 1(866)249-5325, participant code 393255)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct necessary business of the Council.

For more information, contact: Ms. Judy Blanchard, (321)690-3386.

To obtain a copy of the agenda write: The SAFE Council, 403 Brevard Avenue, Suite 1, Cocoa, Florida 32922.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the SAFE Council.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, 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.

The **Florida Transportation Commission** announces public meetings to which all persons are invited:

DATE AND TIME: January 4, 2005, 2:00 p.m. – 5:00 p.m.
 PLACE: Hyatt Regency Hotel, Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: Transportation and Expressway Authority Membership of Florida (TEAMFL) Focus Sessions.

DATE AND TIME: January 5, 2005, 9:00 a.m. – 5:00 p.m.
 PLACE: Hyatt Regency Hotel, Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: Joint Meeting of the Florida Transportation Commission and TEAMFL.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Commission at least 48 hours before the meetings by contacting: Cathy Goodman, (850)414-4105.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

The **State Board of Administration** announces three (3) Selection Committee meetings to which all persons are invited to attend.

DATES AND TIME: Tuesday, December 14, 2004; Wednesday, December 15, 2004; Thursday, December 16, 2004, 9:00 a.m. – 3:15 p.m.

PLACE: Hermitage Room, 1st Floor, Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Separate interviews of the three (3) finalist financial institutions for Global Custody and Securities Lending Services.

Anyone wishing further information should contact: Robert Copeland, Chief Operating Office, P. O. Box 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodations to attend the meeting is requested to call Robert Copeland, (850)413-1212, two days prior to the meeting so that appropriate arrangements can be made.

EXECUTIVE OFFICE OF THE GOVERNOR

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: Tuesday, December 14, 2004, 6:00 p.m.

PLACE: Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Volunteer Florida CEO and Ft. Lauderdale area Commissioners discussion on roles and responsibilities of Commissioners.

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.

REGIONAL PLANNING COUNCILS

NOTICE OF CANCELLATION – The Southwest Florida Regional Planning Council announces that its regular meeting has been canceled:

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

PLACE: Harborside Event Center, 1375 Monroe Street, 2nd Floor Conference Room, Fort Myers, Florida 33901

The next regular meeting is scheduled for January 20, 2005, 9:30 a.m.

The Region IX, **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited:

DATE AND TIME: December 17, 2004, 9:30 a.m.

PLACE: Florida Department of Environmental Protection, 2295 Victoria Avenue, Suite 364, Fort Myers, FL 33902

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and implement provisions of the Emergency Planning and Community Right to Know Act.

A copy of the agenda may be obtained by contacting: Executive Director David Y. Burr, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL 33901.

The **South Florida Regional Planning Council** announces a public meeting of the State Road 7/US 441 Collaborative Density and Design Bus Tour of Abacoa, Florida to which all persons are invited.

DATE AND TIME: Friday, December 17, 2004, 8:00 a.m. – 5:00 p.m.

PLACE: South Florida Regional Planning Council, Conference Room, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021 (Bus Tour will begin and end here)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide an overview of new development trends and design occurring within the South Florida region.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the State Road 7/U.S. 441 Collaborative with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: December 17, 2004, 9:30 a.m.

PLACE: Ramada Inn, 1200 South Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the Annual meeting of the Council.

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.

The **Treasure Coast Regional Planning Council** announces a meeting of its Nominating Committee.

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

PLACE: Ramada Inn, 1200 South Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Regional Planning Council Nominating Committee.

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 **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: December 14, 2004, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the McEwen/Wacissa Headwaters Tract, 22 acres +/- located in Jefferson County. Also, the proposed conveyance of 6,140 acres +/- in Columbia County, Florida, to the Department of Agriculture Forest Service. This property was acquired using WSA Wetlands Mitigation Funds. Also, the proposed declaration as surplus of

157 acres +/- in Columbia County and sale of said lands to the United States Department of Agriculture Forest Service, National Forests in Florida.

DATE AND TIME: December 14, 2004, following the Board meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Workshop.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

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

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Tuesday, December 14, 2004, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday)

DATE AND TIME: Wednesday, December 15, 2004, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

DATE AND TIME: Thursday, December 16, 2004, 9:00 a.m.

PLACE: Hillsborough County Commission Chambers, 601 E. Kennedy Boulevard, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Some members of the District's Governing Board and Hillsborough River Basin Board may attend the meeting to present a Special Recognition Award.

These are public meeting(s) and agenda(s) are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:
DATE AND TIME: December 6, 2004, 10:00 a.m.
PLACE: SFWMD Headquarters, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406
GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) CERP Issues Workshop.

A copy of the agenda may be obtained by 1) writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680 or 2) contacting the person below.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings.
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: Rick Smith, WRAC Facilitator, (561)682-6517.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:
DATE AND TIME: Monday, December 13, 2004, 10:00 a.m.
PLACE: SFWMD Headquarters, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406
GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Initial Reservations Issues Workshop.

A copy of the agenda may be obtained by 1) writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680 or 2) contacting the person below.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings.
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: Rick Smith, WRAC Facilitator, (561)682-6517.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:
DATE AND TIME: Tuesday, December 14, 2004, 10:00 a.m.
PLACE: University of Florida, UF/IFAS Lee County Extension Office, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Lower West Coast Water Supply Plan Issues Workshop.

A copy of the agenda may be obtained by 1) writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680 or 2) contacting the person below.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings.
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: Rick Smith, WRAC Facilitator, (561)682-6517.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, January 6, 2005, 8:30 a.m.
PLACE: SFWMD Headquarters, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406
GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Regular Meeting.

A copy of the agenda may be obtained by 1) writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, or 2) contacting the person below.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings.
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: Rick Smith, WRAC Facilitator, (561)682-6517.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

NOTICE OF CANCELLATION – The Florida **Commission for the Transportation Disadvantaged** announces the cancellation of the TD Oversight Committee Meeting.

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.

REGIONAL UTILITY AUTHORITIES

The **Withlacoochee Regional Water Supply Authority** announces its' 2005 Meeting Schedule to which all intereted persons are invited to participate.

DATE AND TIME: January 19, 2005, 4:30 p.m.

PLACE: Citrus County Courthouse, Commission Chamber, First Floor, 110 N. Apopka Ave., Inverness, FL 34450

DATE AND TIME: February 16, 2005, 4:30 p.m.

PLACE: Ocala City Commission Chambers, City Hall, 151 S. E. Osceola Ave., 2nd Floor, Ocala, Florida 34471

DATE AND TIME: March 16, 2005, 4:30 p.m.

PLACE: Sumter County Courthouse, Commission Meeting Room 222, 209 N. Florida Street, Bushnell, FL 33513

DATE AND TIME: April 20, 2005, 4:30 p.m.

PLACE: Hernando County Government Center, County Commission Chambers, 20 N. Main Street, Brooksville, FL 34601

DATE AND TIME: May 18, 2005, 4:30 p.m.

PLACE: Citrus County Courthouse, Commission Chamber, First Floor, 110 N. Apopka Ave., Inverness, FL 34450

DATE AND TIME: June 15, 2005, 4:30 p.m.

PLACE: Ocala City Commission Chambers, City Hall, 151 S. E. Osceola Ave., 2nd Floor, Ocala, Florida 34471

DATE AND TIME: July 20, 2005, 4:30 p.m.

PLACE: Sumter County Courthouse, Commission Meeting Room 222, 209 N. Florida Street, Bushnell, FL 33513

DATE AND TIME: August 17, 2005, 4:30 p.m.

PLACE: Hernando County Government Center, County Commission Chambers, 20 N. Main Street, Brooksville, FL 34601

DATE AND TIME: September 21, 2005, 4:30 p.m.

PLACE: Citrus County Courthouse, Commission Chamber, First Floor, 110 N. Apopka Ave., Inverness, FL 34450

DATE AND TIME: October 19, 2005, 4:30 p.m.

PLACE: Ocala City Commission Chambers, City Hall, 151 S. E. Osceola Ave., 2nd Floor, Ocala, Florida 34471

DATE AND TIME: November 16, 2005, 4:30 p.m.

PLACE: Sumter County Courthouse, Commission Meeting Room 222, 209 N. Florida Street, Bushnell, FL 33513

DATE AND TIME: December 21, 2005, 4:30 p.m.

PLACE: Hernando County Government Center, County Commission Chambers, 20 N. Main Street, Brooksville, FL 34601

DEPARTMENT OF ELDER AFFAIRS

The **Long-Term Care Ombudsman Program** announces a Quarterly Meeting conference call of the Resident Council Attendee Ad Hoc Committee.

DATE AND TIME: Decmeber 17, 2004, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call 1(800)921-6513, Suncom 219-6513
GENERAL SUBJECT MATTER TO BE CONSIDERED: LTCOP State Council February 2005 event to include LTC Resident Council attendee.

A copy of the agenda can be obtained by contacting: Martie Daemy, (813)558-5590.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council Hospital Acquired Infections Technical Workgroup, to which all interested parties are invited.

DATE AND TIME: Monday, December 20, 2004, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, First Floor Conference Room A, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Hospital Acquired Infections Technical Workgroup to discuss infection measures.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christopher Sullivan, (850)414-5421, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Christopher Sullivan, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council Health Care Facility Web Site Technical Workgroup, to which all interested parties are invited.

DATE AND TIME: Tuesday, December 21, 2004, 9:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, First Floor Conference Room A, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Health Care Facility Web Site Technical Workgroup to discuss reporting health care data on the AHCA web site.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christopher Sullivan, (850)414-5421, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Christopher Sullivan, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Tuesday, December 21, 2004, 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, First Floor Conference Room A, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the collection, analysis and dissemination of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christopher Sullivan, (850)414-5421, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Christopher Sullivan, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited to call in.

DATE AND TIME: Monday, December 13, 2004, 6:00 p.m. – 8:00 p.m.

PLACE: To access the “Meet-Me” number call (850)487-8540, Suncom 277-8540 at the above date/time

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee of the Florida Patient Safety Corporation, as authorized by Chapter 2004-297, Laws of Florida.

For additional information contact: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308 or call Linda Colvin, (850)922-0791, e-mail: COLVINL@fdhc.state.fl.us.

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited to call in.

DATE AND TIME: Tuesday, December 14, 2004, 6:00 p.m. – 8:00 p.m.

PLACE: To access the “Meet-Me” number call (850)410-8045 or Suncom 210-8045 at the above date/time

GENERAL SUBJECT MATTER TO BE CONSIDERED: Scientific Research Advisory Committee of the Florida Patient Safety Corporation, as authorized by Chapter 2004-297, Laws of Florida.

For additional information contact: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308 or call Linda Colvin, (850)922-0791, e-mail: COLVINL@fdhc.state.fl.us.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 16, 2004, 10:00 a.m. – 3:00 p.m.

PLACE: Nova Southeastern University, Executive Board Rm., 5th Floor, Terry Bldg., 3200 S. University Dr., Ft. Lauderdale, FL 33328

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Patient Safety Corporation, Board of Directors Meeting
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 at COLVINL@fdhc.state.fl.us. To be included in e-mail notices of the Florida Patient Safety Corporation Board, 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, Division of Medicaid**, Bureau of Health Systems Development announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 20, 2004, 1:00 p.m. – 3:00 p.m.

PLACE: Fort Knox Office Complex, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To make recommendations on the development of a capitated plan for beneficiaries diagnosed with HIV/AIDS (F.S. 409.91188). All interested parties are encouraged to attend.

A copy of the agenda may be obtained by writing: Christine Osterlund, Agency for Health Care Administration, Division of Medicaid, Bureau of Health Systems Development, 2727 Mahan Drive, MS #50, Tallahassee, Florida 32308. Agendas can also be requested via e-mail: OSTERLUC@fdhc.state.fl.us or by calling (850)487-2355.

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)487-2355.

The **Agency of Health Care Administration (AHCA)** and the **University of Florida**, Department of Health Services Research announces a meeting of the Florida Health Insurance Study (FHIS) Advisory Council to which all interested persons are invited.

DATE AND TIME: January 25, 2005, 10:00 a.m. – 3:00 p.m.

PLACE: Doubletree Hotel, Coconut Grove, Sapphire Ballroom, 2649 South Bayshore Drive, Miami, FL 33133

GENERAL SUBJECT MATTER TO BE CONSIDERED: Welcome and introductions, background information and status report for the FY 2004-05 HRSA/SPG project, the FHIS 2004 findings and comparisons to FHIS 1999 and CPS, coverage activities of other states, and translating the research findings into policy options.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Ms. Shushan Gemora, (850)413-8059, at least five calendar days prior to the meeting.

A copy of the agenda and meeting materials may be obtained by writing: Mr. Mel Chang, AHCA Administrator, Bureau of Medicaid Research, 2727 Mahan Drive, Building 3, Suite 2340, MS #48, Tallahassee, Florida 32308, website: <http://www.fdhc.state.fl.us/Medicaid/Research/Projects/fhis2004/meetings.shtml>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Board of Professional Geologists** announces a General Business Meeting and Rules Workshop, to which all interested parties are invited to attend.

DATES AND TIMES: January 19, 2005, 1:00 p.m. – General Business Meeting; January 20, 2005, 9:00 a.m. – General Business Meeting followed by a Rules Workshop

PLACE: Embassy Suites at University of South Florida – Busch Gardens, 3705 Spectrum Blvd., Tampa, Florida 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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 Geologists, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact John Knap by Tuesday, January 17, 2005.

The **Florida Real Estate Commission (FREC)** announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, December 14, 2004, 8:30 a.m.; reconvening Wednesday, December 15, 2004, 8:30 a.m.

PLACE: Division of Real Estate; Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget

discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800) 955-8771 (TDD).

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: December 15, 2004, 2:30 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public.)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Mobile Home Relocation Corporation** announces a meeting of its Board of Directors to consider mobile home applications for compensation and relocation due to eviction as a result of land use change.

DATE AND TIME: Thursday, December 16, 2004, 10:00 a.m. (via conference call)

PLACE: Please call 1(800)351-4871, code # 11351740

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner application for compensation for relocation and/or abandonment due to change in the use of the land, and such other business as may come before the board. A schedule for the next meeting will be determined.

Additional information may be obtained by contacting: Connie Prince, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317, 1(888)862-7010

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE OF CHANGE OF MEETING LOCATION – The **Florida Center for Solid and Hazardous Waste Management** will have an Advisory Board Meeting to which all interested persons are invited to participate.

DATE AND TIME: December 10, 2004, 9:00 a.m. – 12:00 Noon

PLACE: (please note change) Crowne Plaza Hotel, 10221 Princess Palm Avenue, Tampa, Florida

For further information: (352)392-6264, Center's website: www.floridacenter.org.

DEPARTMENT OF HEALTH

The **Board of Nursing**, South Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: December 16, 2004, 5:30 p.m. – 8:30 p.m.

PLACE: Department of Health, Tallahassee, Meet Me Number (850)921-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Respiratory Care**, Probable Cause Panel announces a closed meeting by conference call.

DATE AND TIME: December 15, 2004, 2:00 p.m. or soon thereafter

PLACE: The meet-me-number may be obtained by contacting: Ivy Shivers, Regulatory Supervisor, Medical Therapies/Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4372

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration and reconsideration of cases being heard by the Probable Cause Panel.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health** announces the following meetings of the Variance Review and Advisory Committee for Onsite Sewage Treatment and Disposal Systems to examine variance applications received by the 15th of the previous month.

DATE AND TIME: Thursday, January 6, 2005, 10:00 a.m.

PLACE: Osceola County Administration, Suite 4100, 1 Courthouse Square, Kissimmee, Florida

DATE AND TIME: Thursday, February 3, 2005, 10:00 a.m.

PLACE: Lecanto Governmental Complex, Conference Room, 3700 West Sovereign Path, Lecanto, Florida

DATE AND TIME: Thursday, March 3, 2005, 10:00 a.m.

PLACE: Volusia County Health Department, Conference Room 516B, 1845 Holsonback Drive, Daytona Beach, Florida

DATE AND TIME: Thursday, April 7, 2005, 10:00 a.m.

PLACE: Department of Environmental, Conference Room 609, 2600 Blair Stone Road, Tallahassee, Florida

DATE AND TIME: Thursday, May 5, 2005, 10:00 a.m.

PLACE: Osceola County Administration, Suite 4100, 1 Courthouse Square, Kissimmee, Florida

DATE AND TIME: Thursday, June 2, 2005, 10:00 a.m.

PLACE: Lecanto Governmental Complex, Conference Room, 3600 West Sovereign Path, Lecanto, Florida

DATE AND TIME: Thursday, July 7, 2005, 10:00 a.m.

PLACE: Volusia County Health Department, Conference Room 516B, 1845 Holsonback Drive, Daytona Beach, Florida

DATE AND TIME: Thursday, August 4, 2005, 10:00 a.m.
 PLACE: Lecanto Governmental Complex, Conference Room, 3600 West Sovereign Path, Lecanto, Florida
 DATE AND TIME: Thursday, September 1, 2005, 10:00 a.m.
 PLACE: Osceola County Administration, Suite 4100, 1 Courthouse Square, Kissimmee, Florida
 DATE AND TIME: Thursday, October 6, 2005, 10:00 a.m.
 PLACE: Volusia County Health Department, Conference Room 516A, 1845 Holsonback Drive, Daytona Beach, Florida
 DATE AND TIME: Thursday, November 3, 2005, 10:00 a.m.
 PLACE: Osceola County Administration, Suite 4100, 1 Courthouse Square, Kissimmee, Florida
 DATE AND TIME: Thursday, December 1, 2005, 10:00 a.m.
 PLACE: Department of Environmental, Conference Room 609, 2600 Blair Stone Road, Tallahassee, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To examine applications for variance from the requirements of Chapter 64E-6, Florida Administrative Code, entitled "Standards for Onsite Sewage Treatment and Disposal Systems" pursuant to Section 381.0065(3)(d), Florida Statutes. A copy of the agenda may be obtained ten days prior to each meeting date by writing: Gerald R. Briggs, Chief, Bureau of Onsite Sewage Programs, Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.
 Any person requiring a special accommodation at one of these meetings because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the meeting.

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: December 29, 2004, 9:00 a.m. – 11:00 a.m.
 PLACE: Clem C. Benton Bldg., Room 327D, 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).

Negotiation sessions for the Community Based Care Services Contract between the **Department of Children and Family Services** and United for Families, Inc., will be held as follows:
 DATES AND TIMES: December 15, 2004, 1:00 p.m. – 5:00 p.m., Room TBA; December 16, 2004, 1:00 p.m. – 5:00 p.m., Room TBA
 PLACE: Family Preservation Office, 121 N. 2nd Street, Third Floor Conference Room, Fort Pierce, FL
 The meetings originally scheduled for December 7-8, 2004, have been canceled.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE OF CHANGE – The **Affordable Housing Study Commission** meeting scheduled for January 5, 2005 has been RESCHEDULED as follows.
 DATE AND TIME: January 6, 2005, 10:30 a.m. – 4:00 p.m.
 PLACE: Florida Housing Finance Corporation Building, Seltzer Conference Room, 6th Floor, 227 North Bronough Street, Tallahassee, FL 32301
 For questions please contact: Rhanda Mckown, Florida Housing Finance Corporation, (850)488-4197.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.
 DATE AND TIME: January 11, 2005, 9:00 a.m.
 PLACE: Leto Adult Center, 4409 W. Sligh Avenue, Tampa, Florida
 DATE AND TIME: January 12, 2005, 9:00 a.m.
 PLACE: Florida Atlantic University Room 3, 1515 West Commercial Blvd., Ft. Lauderdale, Florida 33309
 DATE AND TIME: January 14, 2005, 9:00 a.m.
 PLACE: Room 116, Larson Building, 200 E Gaines Street, Tallahassee, Florida 32399
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule Workshop 69A-58, F.A.C.
 A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in this meeting, please contact: Millicent King, 200 E. Gaines Street, Tallahassee, FL 32399-0342, (850)413-3619, Fax (850)922-2553, at least five calendar days before the meeting for assistance.

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited to attend.

DATE AND TIME: January 19, 2005, 8:30 a.m.

PLACE: 1700 Convention Center Drive – Planning and Zoning, Conference Room 2nd Floor, Miami Beach, FL 33139

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Florida Fire Code Advisory Council.

A copy of the agenda may be obtained by writing: Millicent King, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in this meeting, please contact Millicent King, 200 E. Gaines Street, Tallahassee, FL 32399-0342, (850)413-3619, Fax (850)922-2553, at least five calendar days before the meeting for assistance.

FLORIDA AEROSPACE FINANCE CORPORATION

The **Florida Aerospace Finance Corporation (FAFC)** announces a Board of Director’s meeting and teleconference to which the public is invited.

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

PLACE: Office of SunTrust Bank, 10th Floor Conference Room, Tower Building, 200 South Orange Avenue, Orlando, FL 32801 (To attend via telephone the number to call is 1(866)249-5325, participant code 393255)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors will meet to review general board business, ratifications of agreements, financings, budgets, procedures and to consider other proposed matters related to the business of the Corporation.

For more information, contact: Ms. Judy Blanchard, (321)690-3397.

To obtain a copy of the agenda write: The Florida Aerospace Finance Corporation, 403 Brevard Avenue, Suite 1, Cocoa, Florida 32922.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Aerospace Finance Corporation.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, 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.

PRIDE ENTERPRISES

PRIDE Enterprises, BOD Finance Committee announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: December 14, 2004, 2:00 p.m. – 4:00 p.m. (approx.)

PLACE: Tampa Airport Marriott, Tampa, Florida

PRIDE Enterprises, BOD Nominating Committee announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: December 14, 2004, 4:00 p.m. immediately following Finance Committee meeting

PLACE: Tampa Airport Marriott, Tampa, Florida

www.peol.com

FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT BOARD

The **Florida Atlantic Research and Development Board** announces a meeting to which all interested parties are invited.

DATE AND TIME: Wednesday, December 15, 2004, 8:00 a.m.

PLACE: CopperCom Corp., Conference Room, 3600 FAU Blvd., Boca Raton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Election of Officers, New tenant considerations, awards to FAU.

For agenda specifics or additional information please call: Scott Ellington, Executive Director, (561)416-6092, e-mail: Scott@research-park.org.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from T.A. Krebs Architect, Inc., on July 12, 2004.

It was assigned the number DCA04-DEC-139.

The Commission determined that Section 1005.7.3, Florida Building Code, Building Volume, means that where multiple means of egress are required, it is referring to the mezzanine itself and not the room or space in which the mezzanine is located.

A copy of the Declaratory Statement 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 has issued a Declaratory Statement in response to a request received from Palm Beach County, Building Division on July 19, 2004.

It was assigned the number DCA04-DEC-145.

The Commission determined that a Quonset Hut Metal Building must be designed to meet all the wind load requirements in the Florida Building Code Section 1606, and the Component and Cladding wind loads on each individual exterior skin panel must be designed to resist the designed Component and Cladding loads for the building.

A copy of the Declaratory Statement 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 has issued a Declaratory Statement in response to a request received from Collier County Fire Control and Rescue on July 28, 2004.

It was assigned the number DCA04-DEC-147.

The Commission determined that fire detection and alarm system costs as referenced in Section 104.4.1.3(5), Florida Building Code, should include at a minimum, the labor and material costs of accessories which must be installed to implement the system and cost of fees associated with preparation of the permit fee application, or the cost of the contract to install the fire detection and alarm system, whichever cost is greater.

A copy of the Declaratory Statement 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 has issued a Declaratory Statement in response to a request received from Assa Abloy on August 9, 2004.

It was assigned the number DCA04-DEC-157.

The Commission determined that Rule 9B-72.060, F.A.C., identifies component hardware for exterior doors which falls under the structural component category. The exterior door component hardware does not need separate approval under Chapter 9B-72, F.A.C., if the hardware is part of an approved door assembly.

A copy of the Declaratory Statement 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 16, 2004, from Ashley Avenue Associates, LLC, regarding whether alterations made by a tenant to leased space impose a duty upon the landlord to make path-of-travel alterations to common areas pursuant to section 11-4.1.6(2), Florida Building Code, Building Volume (2001 as amended 06/03/2003).

It has been assigned the number DCA04-DEC-233.

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 19, 2004, from Thomas M. Sehlhorst regarding a notice of violation and stop work order issued by the City of Clearwater with reference to construction of a trellis and arbor. It has been assigned the number DCA04-DEC-235.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received a petition for a declaratory statement from Gulfstream Park Racing Association, Inc., Petitioner, in DBPR Case No. DS 2004-034. The Petition lists Sections 550.155(1) and 550.3551(3), Florida Statutes; and subsection 61D-7.001(9) and Rule 61D-7.020, Florida Administrative Code, as the statutory/administrative provisions upon which a declaratory statement is being sought. The Petitioner requests the Division to determine that the "Self-Serve Wagering Machines" of the type described in detail in the above Petition comply with Florida law, Chapter 550 or the administrative rules regulating pari-mutuel wagering.

NOTICE OF WITHDRAWAL – Notice is hereby given that the Amended Petition for Declaratory Statement from Craig H. Smith, Esquire, on behalf of Dr. Jeffrey Philpot, Dr. Sherwood Cooper, Jr., and VetCentric, Inc., as noticed in Vol. 30, No. 32, of the Florida Administrative Weekly on August 6, 2004, has been withdrawn.

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

NOTICE IS HEREBY GIVEN that on November 24, 2004, the State of Florida Office of Financial Regulation received a petition that was filed pursuant to Section 120.565, Florida Statutes, from Alan W. Legatz for a declaratory statement regarding the application of Chapter 517, Florida Statutes. Specifically, the petition has requested a declaratory statement regarding whether the offer and sale of vacant or income-producing real property in a tenancy-in-common arrangement under Revenue Proc. 2002-20 in the manner presented by Petitioner constitutes a security requiring the individuals selling it to become registered with the Office.

The Petition for Declaratory Statement is being process 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. William Oglo, 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 petition for declaratory statement filed October 6, 2004, from Sandalfoot South Condo Association, Petitioner, has been withdrawn.

A copy of the letter withdrawing the petition for 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>.
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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

CALL FOR BIDS

made by the Florida State University, State of Florida.

PROJECT NAME & NUMBER: Ringling Museum Conservation / Curatorial / Collections Facility, Sarasota, Florida, FS-283

QUALIFICATION: All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2. Sealed bids will be received on:

DATE AND TIME: January 19, 2005, until 3:00 p.m. local time

PLACE: Hellmuth, Obata & Kassabaum
One Tampa City Center, Suite 1800
Tampa, Florida 33602

at which time and place they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual, which may be obtained or examined at the office of the ARCHITECT/ENGINEER: Hellmuth, Obata & Kassabaum, One Tampa City Center, Suite 1800, Tampa, Florida 33602, (813)229-0300

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the Minority Business Advocacy and Assistance Office, Department of Labor and Employment Security.

PRE-SOLICITATION / PRE-BID MEETING: Bidders are encouraged to attend the pre-solicitation/pre-bid meeting. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

DATE AND TIME: January 6, 2005, 3:00 p.m. local time

PLACE: Hellmuth, Obata & Kassabaum
One Tampa City Center, Suite 1800
Tampa, Florida 33602

DEPOSIT: \$350.00 per set of drawings and Project Manual is required with a limit of three (3) sets per general contractor or prime bidder; and two (2) sets of drawings and Project Manuals for plumbing, heating/ventilating/air conditioning and electrical contractors acting as subcontractors.

REFUND: The deposit shall only be refunded to those general contractors, prime bidders, or plumbing, heating/ventilating/air conditioning and electrical contractors acting as either prime or subcontractors, who after having examined the drawings and specifications:

- a. submit a bona fide bid, or
- b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning, or electrical work,

and who return the drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

PURCHASE: Full sets of bidding documents may be examined at the Architect/ Engineer's office and local plan rooms. Full sets may be purchased through the Architect/Engineer for \$200.00 per set of drawings and \$140.00 per copy of the Project Manual for the printing and handling cost and are sold subject to the provisions of Article B-27 of the Instructions to Bidders.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

REQUEST FOR PROPOSAL
Florida Vehicle Procurement Program
FVPP-05-CA

Notice is hereby given that Lisa Staes, representing the Florida Vehicle Procurement Program (FVPP), University of South Florida, Center for Urban Transportation Research will receive sealed proposals on behalf of agencies within the state of Florida, herein referred to as the "Purchasers" to establish a statewide contract for the manufacture and delivery of the following 2005 model year vehicle types:

	Minimum	Maximum
Cutaway Type Vehicles	5	500

The quantities reflect the immediate and foreseeable needs of agencies within Florida and were determined by using the most recent State of Florida Program of Projects, historical data from previous FVPP contracts, and Agency (s) vehicle replacement schedules. All or part of the quantity of vehicles stated herein may be assigned to other public transit agencies desiring to purchase the same equipment specified in Part 2 of this solicitation. The FVPP reserves the right to reject any and all proposals, or any part of any or all proposals.

Copies of the RFP may be obtained from Lisa Staes, FVPP Project Manager, University of South Florida, Center for Urban Transportation Research, 4202 E. Fowler Ave., CUT 100, Tampa, Florida 33620, or by telephone at (813)974-9787. The proposal may also be downloaded from our website at <http://www.cutr.usf.edu/index2.htm>

Sealed proposals in original and five (5) copies must be received at the above address (Attn: Lisa Staes) not later than 4:00 p.m., EST, January 12, 2005

A MANDATORY pre-proposal meeting will be held at 11:00 a.m. EST on December 17, 2004 at Big Bend Transit, 2201 Eisenhower Street, Tallahassee, Florida 32399. The purpose of this meeting is to answer questions and discuss specifications/clarifications relative to the RFP. Interested proposers are required to attend this meeting. Subcomponent vendors are welcome but are not required to attend.

The successful proposer will be required to comply with all Equal Opportunity Laws and Regulations, Buy America Laws, Chapter 287 of the Florida Statutes and other applicable Federal and State regulations.

NOTICE FOR DESIGN/BUILD QUALIFICATIONS

University of Central Florida, on behalf of the Board of Trustees, announces that Design/Build services will be required for the project listed below:

Project and Location: The Outdoor Recreational Complex will be located in the Southern edge of the University of Central Florida campus.

The project consists of the design and construction of the following:

Phase I – Spring/Summer 2005

Six (6) Multipurpose Fields, One (1) Baseball Field, One (1) Pond Expansion

Three (3) Pavilion/support Structures, Trail System

Phase II – 2007-08

Six (6) Multipurpose Fields, Nine (9) Tennis Courts, Two (2) Parking Lots, Trail System

The selected firm will provide design and construction services for the referenced project in accordance with design criteria to be established. The estimated construction cost for Phase I is approximately \$3,200,000. The project will be phased as funding is approved.

Please note that the mass grading design has been completed and the construction is now under way. The pond expansion is now in design.

Selection of finalists for interviews will be made on the basis of the Design/Build Firms Qualifications. Finalists will be provided with a copy of the proposed conceptual site plan, a description of the final interview evaluation criteria and a copy of the standard UCF Design/Build agreement. The Selection Committee may reject all proposals and stop the selection process at any time. Blanket professional liability insurance will be required for this project in the amount \$250,000, and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to be shortlisted for this project shall submit a letter of application and a completed "Design/Build Qualifications Supplement." Proposals should not exceed Forty (40) pages, including the Design/Build Qualifications Supplement and letter of application. Pages should be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will be penalized. No submittal material will be returned.

All applicants must provide a copy of their 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.

Carefully review the Design/Build Contract and General Condition's documents. Submitting a proposal for this project constitutes complete agreement with and acceptance of the

terms and conditions contained within these documents. These documents can be found on our website at www.fp.ucf.edu with the advertisement.

The Design/Build Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Mrs. Gina Seabrook, University of Central Florida, Office of Facilities Planning, P. O. Box 163020, Orlando, FL 32816-3020, (407)823-2166, Fax (407)823-5141, or on our website www.fp.ucf.edu.

Six (6) bound copies of the required proposal data shall be submitted to the Office of Facilities Planning, University of Central Florida by 5:00 p.m. local time, on January 13, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE OF CANCELLATION

The University of Central Florida, on behalf of the Board of Trustees, announces that Professional Services in the discipline of Architecture/Engineering and Construction Management will be cancelled and re-advertised at a later date.

Project and Location: CREOL Expansion, University of Central Florida, Orlando, Florida 32816-3020.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of North Florida, Board of Trustees, a public body corporate, announces that Professional Services in the disciplines of Architectural Programming and Design Consultant will be required for the project listed below:

New Student Union Building;

The project consists of approximately 150,000 GSF to serve the various needs of the student population on campus. Some of the major functions included in the building will be multi-purpose meeting rooms, a bookstore, Student Media offices, health promotion offices, a theater, a Women's Center, a food court, various offices, lounges and other similar and compatible functions.

This project will be handled in two phases – Phase One: Programming and Phase Two: Full Service Architectural and Engineering including Construction Administration. The University of North Florida reserves the right to select a different consultant after the completion of the Programming phase.

The selected firm for Phase Two will provide full design, construction documents (prepared on AutoCAD, version compatible with University Facilities Planning) and administration for the project. Blanket professional liability insurance will be required for this project in the amount of \$2,000,000, 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. The most recent version of the Board of Regents "Professional Qualifications Supplement," completed by the applicant. 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.

3. 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.

Minority Business participation will not be considered in the scoring process.

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, descriptive project information, and selection criteria may be obtained by contacting:

Zak Ovadia, AIA, MRAIC
University of North Florida
4567 St. Johns Bluff Road, South
Jacksonville, Florida 32224
(904)620-2016, Fax (904)620-2020

Submittals must be received in the office of Facilities Planning, JJ Daniel Hall, University of North Florida, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, by 2:00 p.m. local time, on January 11, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

PUBLIC ANNOUNCEMENT OF DESIGN-BUILD SERVICES SELECTION RESULTS

The Florida School for the Deaf and the Blind announces that on the date listed below ranking was determined and an intent was issued to negotiate and enter into a contract for Design-Build Services in accordance with the Consultants Competitive Negotiation Act, for the following:

DATE: November 17, 2004

NAME OF AGENCY: Florida School for the Deaf and the Blind

PROJECT NUMBER: FSDB 20050009

PROJECT NAME: Covered Walkways, Phase 2

1. The Stellar Group
2. Batson-Cook Company
3. Auld and White Constructors, Inc.

Notice to Bidders

The School District of Lee County, Florida
Department of Procurement Services

BID REQUEST FOR:

BEVERAGE PRODUCTS (ALA CARTE) FOR LEE COUNTY SCHOOLS

INCLUDING VENDED BOTTLE WATER

BID NO. 046232CP

OPENING DATE: TUESDAY, DECEMBER 14, 2004, 2:00 P.M. (EST)

Request a bid package by:

Phone: (239)479-4250, Fax (239)337-8200

In Person or Mail: 3308 Canal Street, Fort Myers, Florida 33916-6594

Complete bid package available only upon request.

By: Chevone L. Peterson, Procurement Agent

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

REGIONAL PLANNING COUNCILS

NOTICE TO PROFESSIONAL CONSULTANTS

The Original Florida Tourism Task Force desires that consultants qualified pursuant to law and regulations submit a Proposal for professional services on the following printing project:

PROJECT NAME: The Original Florida Visitor's Guide Proposal

DESCRIPTION: Layout, print and partially distribute an area tourism booklet by accomplishing the following tasks:

Task 1 – The Original Florida Task Force desires 100,000 guides printed. The magazine or booklet would have 48 pages of editorial content, a 4 page cover and 12 pages of advertising. The successful proposer will provide design, layout and printing services based upon articles, photos, and basic design ideas submitted by The Original Florida Task Force;

Task 2 – Packaging shall be in boxes no more than 40 pounds each. The proposal requires that the successful proposer be able to store a portion (no more than half at one time) of the printed guides and disseminate in two to three stages, drop shipped to multiple destinations (not to exceed 10) as requested by The Original Florida Task Force; and

Task 3 – The proposal requires that the successful proposer be able to store a portion of the printed guides (not to exceed 50% of the total amount) and disseminate in two to three stages, as requested by The Original Florida Task Force.

QUALIFICATION REQUIREMENTS: Proposers must submit project experience demonstrating ability to complete above tasks.

RESPONSE EVALUATION: All respondents will be evaluated in accordance with Section 287.057(2)(a), Florida Statutes, and must be determined to be qualified to do business in Florida and qualified to perform the advertised work requirements. Furthermore, a committee will evaluate proposals based upon predetermined criteria, available upon request.

SUBMITTAL REQUIREMENTS: Firms desiring consideration for this project must submit seven (7) copies of their qualifications to the requesting unit listed below. One of these copies must be a clean, single-side, unbound original that can be used to make additional copies. The Proposal must, as a minimum, include the following information:

1. Name, address, contact person and phone number;
2. Listing of key staff and resumes;
3. Listing of any subconsultants anticipated to be used on this project;
4. An indication of the firm's potential (available manpower) for additional work in the next 24 months;
5. Experience on similar type projects, including date completed, contact (reference) name and phone number;
6. Proof of professional liability insurance.

SHORTLIST SELECTION PROCESS: From the Proposals received, the Original Florida Tourism Task Force shall shortlist a minimum of three (3) firms. Tentative shortlist date: December 21, 2004.

NOTE: For detailed printing specifications for this four color publication, please contact the person below.

PROPOSAL DEADLINE: Monday, December 20, 2004, at 3:00 p.m. Late proposals will be returned unopened with the notation, "This proposal was received after the delivery time designated for receipt and opening in the legal notice."

REQUESTING RESPONSE ADDRESS: The Original Florida Tourism Task Force, ATTN: Ms. Jayne Moraski, Director of Economic Development, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603. Telephone (352)955-2200, Extension 106. Faxed and e-mailed responses will not be accepted.

ESTIMATED PROJECT BUDGET: \$55,000.

The Original Florida Tourism Task Force reserves the right to accept or reject any and all responses.

WATER MANAGEMENT DISTRICTS

REQUEST FOR QUALIFICATIONS # 04/05-004RM

The Suwannee River Water Management District (District) is conducting a Request for Qualifications (RFQ) for the design of a stormwater conveyance system in the City of Starke, Florida. The District is requesting qualifications from incorporated professional engineering firms with a valid State of Florida Certificate of Authorization or independent registered Florida professional engineers. The work will consist of stormwater design, specifically in all areas of conveyance, culverts, manholes, engineering, geotechnical services, surveying, and permitting.

All proposals must be received prior to 4:00 p.m. on January 4, 2005. Any individual or firm desiring to obtain a copy of this Request for Qualification may do so by visiting the District's website at www.srwm.d.state.fl.us or by contacting:

Sandi Keiser, Administrative Assistant
 Suwannee River Water Management District
 9225 CR 49
 Live Oak, Florida 32060
 Phone: (386)362-1001

Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact: Linda R. Smith, Purchasing Agent, (386)362-1001 or 1(800)226-1066 (Florida only).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

**NOTICE TO PROFESSIONAL CONSULTANTS
 PUBLIC ANNOUNCEMENT FOR PROFESSIONAL
 SERVICES FOR
 ARCHITECTURE-ENGINEERING**

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction, announces that professional services are required for the project listed below. Applications being sent via the U. S. Mail or via overnight express service shall be sent to: David Lee Nelson, Senior Architect/Project Director, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, Bin #B06, Tallahassee, Florida 32399-1734, (850)245-4444, Ext. 3164, Facsimile (850)410-1474.

PROJECT NUMBER: 70423100

PROJECT NAME: GULF COUNTY HEALTH DEPARTMENT – WEWAHITCHKA, FL.

SERVICES TO BE PROVIDED: Architecture-Engineering services for a new one story County Health Department Building,

ESTIMATED CONSTRUCTION BUDGET: \$1,260,000

SAMAS NO: 64-30-1-000314-64200000-00-084093-99

RESPONSE DUE DATE: CLOSE OF BUSINESS, THURSDAY, JANUARY 6, 2005

INSTRUCTIONS: Submit three (3) bound copies of the following information: *

1. Table of contents
 2. Letter of interest
 3. A copy of the current Department of Health Professional Qualifications Supplement (PQS) Form DBC5112 Revised 10/97. A copy can be obtained by calling (850)245-4066.
 4. A copy of the firm's current Florida Professional License registration. (Proper registration at the time of application is required.
 5. (CORPORATIONS ONLY) Current Corporate Certificate providing evidence of validation date and designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
 6. Completed Standard Form 254
 7. Completed Standard Form 255
- *In Article Eight, Work by Firm or Joint-Venture Members, list only projects designed, under construction, and/or completed within the past five (5) years.
8. A stamped self-addressed if the applicant would like a Notice of Selection result.

* All applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and any section dividers. However, this is not a mandatory requirement.

EVALUATION: All proposals submitted shall become the property of the Department of Health. The submitted proposals will be placed on file and not returned. Any proposals that do not comply with the above instructions as set forth and/or do not include the required qualification data will be considered improper and disqualify the applicant. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes.

SHORTLIST SELECTION PROCESS: From the proposals received, the department shall shortlist a minimum of three (3) firms.

FACC SERVICES GROUP

REQUEST FOR QUOTE

Sealed responses to the following project shall be received by the FACC Services Group, LLC prior to 4:00 p.m. on January 20, 2005, at 3544 Maclay Blvd., Tallahassee, FL 32312. At said time, date and place, responses will be accepted for consideration for the project listed below:

PROJECT TITLE:

**QUOTE FOR DOCUMENT REDACTION
PROCUREMENT AND SERVICES FOR
THE FACC SERVICES GROUP, LLC**

This Request for Quote is for FACC Services Group, LLC to seek computing capabilities for an automated document redaction system to accommodate on-going document management and redaction services for large volumes of archived electronic Clerk of Court Case documents and Official Records documents.

Firms desiring to respond to the above noted project are required to submit a completed "Notification of Intent to Bid Form" by December 17, 2004. This form, along with technical details and proposal requirements, are contained in documents that may be obtained from the FACC Services Group, LLC website at www.flclerks.com. If you have further questions or need further assistance, please call Russell P. Curtis, (850)921-0808 between the hours of 8:30 a.m. and 5:00 p.m.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

**Notice of Funding Availability
Hazard Mitigation Grant Program**

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.

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, Boss Hoss Cycles Inc., intends to allow the establishment of Highlander Boss Hoss, Inc., as a dealership for the sale of Boss Hoss Cycle bikes, trikes, accessories and parts, at 2324 Bellevue Avenue Ext, Daytona Beach (Volusia County) Florida 32114, on or after December 31, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Highlander Boss Hoss Inc., are dealer operator: Randy Epling, 2324 Bellevue Avenue Ext, Daytona Beach, Florida 32114; principal investor(s): Randy Epling, 2324 Bellevue Avenue Ext, Daytona Beach, Florida 32114.

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: Rad Hunsley, Chief Operations Officer, Boss Hoss Cycles Inc., 790 South Main Street, Dyersburg, Tennessee 38024.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Malaguti USA Inc., intends to allow the establishment of Surfside Scooters Inc., as a dealership for the sale of Malaguti motorcycles, at 524 North Lake Boulevard, North 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 Inc., are dealer operator: William Talero, 5910 Loxahatchee Pines Drive, Jupiter, Florida 33458; principal investor(s): Peter D. Williams, 450 Seaside Lane, Juno 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: Joel Martin, President, Malaguti USA Inc., Florida Motorcycle Distributor # 10093, 1740 N. W. 93rd Avenue, Miami, Florida 33172.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Victory Motorcycles, intends to allow the establishment of Thunder Road Classics Inc., as a dealership for the sale of Victory Motorcycles, at 1019 Tamiami Trail, Port Charlotte (Charlotte County), Florida 33953, on or after November 16, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Thunder Road Classics Inc., are Frank Alfonso, 407 Huntridge, Venice, Florida 34292; Mary Alfonso, 407 Huntridge, Venice, Florida 34292; principal investor(s): Frank Alfonso, 407 Huntridge, Venice, Florida 34292; Mary Alfonso, 407 Huntridge, Venice, Florida 34292.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael W. Malone, VP Finance, CFO, Victory Motorcycles, 2100 Highway 55, Medina, Minnesota 55340.

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 West Coast Cycle, Inc., as a dealership for the sale of Baccio VX 150cc, at 4511 Causeway Boulevard, Tampa (Hillsborough County), Florida 33619, on or after November 15, 2004.

The name and address of the dealer operator(s) and principal investor(s) of West Coast Cycle, Inc., are dealer operator: William E. Ford, 4511 Causeway Boulevard, Tampa, Florida 33619; principal investor(s): William E. Ford, 4511 Causeway Boulevard, Tampa, Florida 33619.

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: Robert Orenstein, Sales Manager, Mod Cycles Corp., 7547 Northwest 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.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Healthcare Administration has received an application for services exemption from Florida Hospital Waterman pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.207, Florida Administrative Code. The services categories, which the exemptions are requested, are: Otolaryngology, Urology, and Plastic Surgery. Comments received within 15 days of publication, will be considered by the Agency, prior to making a determination exemption status. Additional information may be obtained by writing to the Agency for Health Care Administration, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, (850)414-0360, e-mail: youngj@fdhc.state.fl.us.

NOTICE OF BATCHED APPLICATION RECEIPT AND NOTICE OF TENTATIVE PUBLIC HEARINGS

The Agency for Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched Other Beds & Services review cycle with an application due date of November 24, 2004.

County: Citrus District: 3
CON #: 9815 Application Receipt Date: 11/22/2004
Facility/Project: Hospice of Citrus County, Inc.

Applicant: Hospice of Citrus County, Inc.
Project Description: Construct a freestanding inpatient hospice facility of up to 16 beds

County: Nassau District: 4
CON #: 9816 Application Receipt Date: 11/23/2004
Facility/Project: GF/Amelia Island Properties, Inc.

Applicant: GF/Amelia Island Properties, Inc.
Project Description: Establish a 24-bed ICF/DD through delicensure of 22 ICF/DD beds at Amelia Island Care Center and the addition of two new ICF/DD beds

County: Nassau District: 4
CON #: 9817 Application Receipt Date: 11/23/2004
Facility/Project: GF/Amelia Island Properties, Inc.

Applicant: GF/Amelia Island Properties, Inc.
Project Description: Establish a 24-bed ICF/DD through delicensure of 24 ICF/DD beds at Amelia Island Care Center

County: Nassau District: 4
 CON #: 9818 Application Receipt Date: 11/23/2004
 Facility/Project: GF/Amelia Island Properties, Inc.
 Applicant: GF/Amelia Island Properties, Inc.
 Project Description: Establish a 24-bed ICF/DD through delicensure of 24 ICF/DD beds at Amelia Island Care Center

County: Duval District: 4
 CON #: 9819 Application Receipt Date: 11/18/2004
 Facility/Project: Community Hospice of Northeast Florida, Inc.
 Applicant: Community Hospice of Northeast Florida, Inc.
 Project Description: Construct a freestanding inpatient hospice facility of up to 16 beds

County: Duval District: 4
 CON #: 9820 Application Receipt Date: 11/18/2004
 Facility/Project: Community Hospice of Northeast Florida, Inc.
 Applicant: Community Hospice of Northeast Florida, Inc.
 Project Description: Construct a freestanding inpatient hospice facility of up to 16 beds

County: Pinellas District: 5
 CON #: 9821 Application Receipt Date: 11/23/2004
 Facility/Project: Palms of Pasadena Hospital, L.P.
 Applicant: Palms of Pasadena Hospital, L.P.
 Project Description: Establish an adult open heart surgery program

County: Pinellas District: 5
 CON #: 9822 Application Receipt Date: 11/24/2004
 Facility/Project: Helen Ellis Memorial Hospital
 Applicant: Tarpon Springs Hospital Foundation, Inc.
 Project Description: Establish an adult open heart surgery program

County: Pinellas District: 5
 CON #: 9823 Application Receipt Date: 11/23/2004
 Facility/Project: Mease Hospital-Countryside
 Applicant: Trustees of Mease Hospital, Inc.
 Project Description: Establish an adult open heart surgery program

County: Pinellas District: 5
 CON #: 9824 Application Receipt Date: 11/24/2004
 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
 CON #: 9825 Application Receipt Date: 11/18/2004
 Facility/Project: Hospice of the Palm Coast, Inc.
 Applicant: Hospice of the Palm Coast, Inc.
 Project Description: Establish a hospice program

County: Pinellas District: 5
 CON #: 9826 Application Receipt Date: 11/23/2004
 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
 CON #: 9827 Application Receipt Date: 11/23/2004
 Facility/Project: Crystal Oaks of Pinellas
 Applicant: PHI, L.L.C.
 Project Description: Add 60 community skilled nursing beds through delicensure of 60 of the 72 community skilled nursing beds at Westminster Shores

County: Hillsborough District: 6
 CON #: 9828 Application Receipt Date: 11/18/2004
 Facility/Project: Hospice of the Palm Coast, Inc.
 Applicant: Hospice of the Palm Coast, Inc.
 Project Description: Establish a hospice program

County: Charlotte District: 8
 CON #: 9829 Application Receipt Date: 11/23/2004
 Facility/Project: HOPE of Southwest Florida, Inc.
 Applicant: HOPE of Southwest Florida, Inc.
 Project Description: Establish a hospice program

County: Collier District: 8
 CON #: 9830 Application Receipt Date: 11/23/2004
 Facility/Project: HOPE of Southwest Florida, Inc.
 Applicant: HOPE of Southwest Florida, Inc.
 Project Description: Establish a hospice program
 Also, IF REQUESTED, tentative public hearings have been scheduled as follows:

PROPOSALS: District 3
 DATE/TIME: Tuesday, January 11, 2005,
 2:00 p.m. – 5:00 p.m.
 PLACE: WellFlorida Council, Inc. Conference Room
 f/k/a North Central Florida
 Health Planning Council
 18 N. W. 33rd Court
 Gainesville, FL 32607

PROPOSALS: District 4
 DATE/TIME: Tuesday, January 11, 2005,
 10:00 a.m. – 12:00 Noon
 PLACE: Health Planning Council of
 N. E. Florida, Inc.
 2nd Floor Conference Room
 900 University Blvd., North
 Jacksonville, FL 32211

PROPOSALS: District 5

DATE/TIME: Monday, January 10, 2005,
9:00 a.m. – 12:00 Noon

PLACE: Baker Building Conference Room
888 Executive Center Drive, North
St. Petersburg, FL 33702

PROPOSALS: District 6

DATE/TIME: Monday, January 10, 2005,
9:00 a.m. – Noon

PLACE: Baker Building Conference Room
888 Executive Center Drive, North
St. Petersburg, FL 33702

PROPOSALS: District 8

DATE/TIME: Tuesday, January 11, 2005,
2:00 p.m. – 4:00 p.m.

PLACE: Health Planning Council of
S. W. Florida (Conference Room)
9250 College Parkway, Ste. 3
Ft. Myers, FL 33919

Public hearing requests must be in writing and be received at the Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida 32308, attention Karen Rivera, by 5:00 p.m., December 24, 2004. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file.

Pursuant to subsection 59C-1.010(3), F.A.C., written comments must be received by December 29, 2004.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

On November 23, 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 Diane M. Jones, L.P.N. license number PN 5149370. 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 23, 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 Norma Luz Rodriguez, R.N., license number RN 1525522 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 23, 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 Susannah Melnyczok, R.N. license number RN 1833792. 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.

FLORIDA HOUSING FINANCE CORPORATION

CYCLE XVII (2005)

NOTICE OF FUNDING AVAILABILITY (NOFA)

The Florida Housing Finance Corporation (Florida Housing) announces a funding cycle (Cycle XVII) for the Elderly Housing Community Loan (EHCL) Program, pursuant to Section 420.5087(3)(d), Florida Statutes, and Chapter 67-32, Florida Administrative Code (F.A.C.).

The application period will begin on December 10, 2004 and will close at 5:00 p.m., Eastern Time, sixty days later on February 7, 2005.

Ten percent (10%) of the twenty-four percent (24%) of SAIL Program funds are reserved for the EHCL Program. The anticipated amount for the EHCL Program is \$1,080,000. Funding within the EHCL Program is available to provide life-safety, building preservation, health, sanitation or security-related repairs or improvements made to Elderly housing facilities.

All applications must be submitted to Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 in accordance with the provisions of all applicable Florida Statutes, Chapter 67-32, F.A.C., and the application package.

To obtain the application package or other materials and information, please access Florida Housing's web site at www.floridahousing.org or contact: Derek Helms, (850)488-4197. If you are hearing or speech impaired, please contact Florida Housing using the Dual Party Relay System, 1(800)955-8770 and 1(800)955-8771.

HOMEOWNERSHIP LOAN PROGRAM/HOME AGAIN – FHFC DISASTER RELIEF HOME ASSISTANCE PROGRAM

NOTICE OF FUNDING AVAILABILITY (NOFA)

The Florida Housing Finance Corporation ("Florida Housing") announces a funding cycle for the 2004 HOME Again – FHFC Disaster Relief HOME Assistance Program ("HOME Again"). It is anticipated that approximately \$21,000,000 in HOME funding will be available to eligible developments that meet the HOME Again application criteria. Applications will be accepted beginning December 17, 2004 and funding will be awarded on a first come, first serve basis, in accordance with Rule 67-50.105, Florida Administrative Code (F.A.C.), of the Homeownership Loan Program Rule.

For more information regarding HOME Again, including Rule Chapter 67-50, F.A.C., and the HOME Again Application Package, please access Florida Housing's website: www.floridahousing.org or contact: HLP Administrator, (850)488-4197. If you are hearing or speech impaired, please contact Florida Housing using the Dual Party Relay System, 1(800)955-8770 or 1(800)955-8771.

DEPARTMENT OF FINANCIAL SERVICES

INTEREST RATE SET PURSUANT TO SECTION 55.03, FLORIDA STATUTES

Subsection 69I-25.003(3), F.A.C., requires the Department of Financial Services, at least once between December 1 and January 1, to provide notice of the interest rate set by the Chief Financial Officer pursuant to Section 55.03, F.S. The interest for the year 2005 has been set at 7% per annum or .0001918 per day. For additional information contact the Vendor Ombudsman Section in the Bureau of Auditing at (850)410-9724, Suncom 210-9724 OR on the internet at www.dbf.state.fl.us/interest.html.

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 31, 2004):

APPLICATION WITHDRAWN

Application for a New Financial Institution:
 Applicant: StateTrust Bank & Trust Co., Miami, Florida
 Withdrawn: November 18, 2004

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Salem Trust Company, Tampa, Florida
 Proposed Purchaser: U.S. Fiduciary Services, Inc., Oak Brook, Illinois
 Received: November 19, 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: The Credit Union of Palm Beach County, 3469 Summit Boulevard, West Palm Beach, Florida 33406-4193

Expansion Includes: Geographic.
 Received: November 29, 2004

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN November 22, 2004
 and November 24, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

5C-3.001	11/22/04	12/12/04	30/40	
5C-3.002	11/22/04	12/12/04	30/40	
5C-3.003	11/22/04	12/12/04	30/40	
5C-3.004	11/22/04	12/12/04	30/40	
5C-3.005	11/22/04	12/12/04	30/40	
5C-3.007	11/22/04	12/12/04	30/40	
5C-3.009	11/22/04	12/12/04	30/40	
5C-3.011	11/22/04	12/12/04	30/40	
5C-3.012	11/22/04	12/12/04	30/40	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF TRANSPORTATION

14-107.0011	11/24/04	12/14/04	30/42	
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DEPARTMENT OF CORRECTIONS

33-203.101	11/24/04	12/14/04	30/43	
33-208.101	11/22/04	12/12/04	30/42	
33-602.601	11/22/04	12/12/04	30/38	

AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need

59C-1.008	11/23/04	12/13/04	30/35	
59C-1.021	11/23/04	12/13/04	30/35	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

61G1-12.004	11/22/04	12/12/04	30/43	
61G1-12.005	11/22/04	12/12/04	30/43	
61G1-21.001	11/23/04	12/13/04	30/32	30/43
61G1-24.001	11/23/04	12/13/04	30/32	30/43