

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: PEST OF HONEYBEES AND UNWANTED RACES OF HONEYBEES RULE CHAPTER NO.: 5B-54

RULE TITLES: REGULATED HONEYBEE PESTS RULE NOS.: 5B-54.003

ISSUANCE OF COMPLIANCE AGREEMENTS AND CERTIFICATES 5B-54.014

DESTRUCTION OR TREATMENT OF INFESTED OR INFECTED HIVES 5B-54.017

PURPOSE AND EFFECT: The purpose of the rule amendment is to remove specific reference to the Varroa mite, Varroa spp., as a regulated honeybee pest since the Varroa mite has now become widely distributed throughout the state, and to remove the requirement that as a condition of movement all hives must meet a post treatment tolerance level of no more than two Varroa mites in an ether roll of 200 honeybees.

SUBJECT AREA TO BE ADDRESSED: The list of regulated honeybee pests in Florida requiring quarantine action is being amended to remove the Varroa mite, Varroa spp., since this mite has now become widely distributed throughout the state, and to remove the requirement to issue inspection certificates based on treatments achieving a tolerance level of no more than two Varroa mites in an ether role of 200 honeybees.

SPECIFIC AUTHORITY: 586.10 FS. LAW IMPLEMENTED: 586.10, 586.11, 586.13 FS. IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Wednesday, March 9, 2005

PLACE: 1911 S. W. 34th Street, Doyle Conner Building, Gainesville, Florida 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Connie Riherd, Assistant Director, Department of Agriculture and Consumer Services, Division of Plant Industry, Room A116, 1911 S. W. 34th Street, Gainesville, Florida 32608, (352)372-3505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-54.003 Regulated Honeybee Pests.

Each of the following honeybee pests is found to be capable of damaging or causing abnormalities in honeybees, colonies of honeybees or beeswax and is declared to constitute a nuisance:

(1) American foulbrood. The disease organism known as Paenibacillus larvae.

(2) The mite Tropilaelaps clareae.

(3) Varroa mite, Varroa spp.

(4) Any other honeybee pest determined by the department to be a threat to the state.

Specific Authority 586.10(2) FS. Law Implemented 586.10(5) FS. History--New 11-22-88, Amended 11-4-92, 7-9-95, 3-11-04, _____.

5B-54.014 Issuance of Compliance Agreements and Certificates.

(1) Compliance Agreements. The department may issue a compliance agreement for the movement of regulated articles, as listed under Rule 5B-54.005, F.A.C., from another state for entrance into Florida under any of the following conditions:

(a) When movement of non-certified regulated articles to specified destinations for limited handling, utilization, or processing is requested.

(b) Each compliance agreement will prescribe the conditions under which the regulated articles are allowed to move. Form Compliance Agreement, DACS-08031, Revised 5/99, is hereby incorporated in this rule by reference. A copy of DACS-08031 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(2) Certificates of Inspection.

(a) A certificate is required on each sale or movement of honeybees and other regulated articles within the state unless such regulated articles are identified as specified in Rule 5B-54.013, F.A.C. Forms DACS-08061, revised 8/99 Certificate of Inspection for Out of State Shipments and Re-entry Into Florida, and incorporated herein by reference, or a Queen Certificate, DACS-08057, revised 10/99, and incorporated herein by reference, or a Varroa Mite Certificate, DACS-08165, revised 10/99, and incorporated herein by reference, and DACS-08165 may be used for this purpose. A copy of forms DACS-08061, and DACS-08057 and DACS-08165 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(b) A certificate, DACS-08061 or DACS-08057, is required on shipments of honeybees or other regulated articles going from the state showing that certification requirements have been met.

Specific Authority 586.10(2) FS. Law Implemented 586.10(7), 586.11 FS. History--New 11-22-88, Amended 11-4-92, 7-9-95, 6-20-00, _____.

5B-54.017 Destruction or Treatment of Infested or Infected Hives.

(1) American foulbrood. All hives found infested or infested with American foulbrood shall be destroyed by burning or shall be decontaminated by other methods prescribed or approved by the department. This action must be accomplished within 30 days of diagnosis and honeybee

colonies and related equipment must be stored or maintained in such a manner that exposure to other honeybees is prevented. All colonies found in the same apiary where American foulbrood is detected shall be quarantined for a minimum of 30 days by issuing a Notice of Quarantine For American Foulbrood to determine apparent freedom from American foulbrood disease. Notice of Quarantine for American Foulbrood, DACS-08063, Revised 12/99, is hereby incorporated in this rule by reference. A copy of DACS-08063 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(2) Other honeybee pests and unwanted races of honeybees. Discovery of other honeybee pests or unwanted races of honeybees in the state shall initiate the quarantine of all colonies located within a distance prescribed by the department of the infested apiary. All honeybees within the quarantine area shall be inspected. A recommended eradication or control method shall be determined and prescribed by the department.

~~(3) Varroa mite. All hives found infested with Varroa mite shall be treated prior to movement with an acaricide approved by the Department and will have more than two (2) Varroa mites in an ether roll of 200 bees in the post treatment survey. A Varroa Mite Certificate, DACS-08165, Revised 10/99, is to be issued following an acceptable survey. A copy of DACS-08165 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.~~

Specific Authority 586.10(2) FS. Law Implemented 586.10(4), 586.13 FS. History—New 11-22-88, Amended 11-4-92, 7-9-95, 6-20-00, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Trust Fund
 RULE NO.: 33-203.201
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to shorten the time period in inmate requests for special withdrawals will be processed.
 SUBJECT AREA TO BE ADDRESSED: Inmate trust fund.
 SPECIFIC AUTHORITY: 944.09, 944.516, 945.091, 945.215 FS.
 LAW IMPLEMENTED: 57.085, 717, 944.09, 944.516, 945.091, 945.215 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:

33-203.201 Inmate Trust Fund.

(1) through (2) No change.

(3)(a) Inmates with sufficient balances in their individual Inmate Trust Fund accounts shall be allowed to spend an amount set by the Secretary not to exceed \$100 a week at the institution’s canteen for personal use. Inmates on work release with sufficient balances in their individual Inmate Trust Fund accounts shall be allowed to request a weekly draw set by the Secretary not to exceed \$100 to be expended for personal use. In order to request an expenditure of funds in excess of the authorized canteen limit or weekly draw, the inmate shall complete Form DC2-304, Inmate Trust Fund Special Withdrawal. Form DC2-304 is hereby incorporated by reference. This form may be obtained from any institution or facility or from the Bureau of Finance and Accounting, Inmate Trust Fund Section, 1711 Mahan Drive, Tallahassee, Florida 32308 or from the Forms Control Administrator, Office of Planning, Research and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is July 13, 2003. ~~If the inmate’s identity is verified by designated institution or facility staff, these funds shall be paid to the inmate or his designated payee within 30 days after receipt of the written request for withdrawal. This maximum time limitation shall not delay the weekly canteen limit or draw process which is usually accomplished in a shorter period of time.~~ If the withdrawal is for the purpose of making a deposit to a savings or similar interest bearing account in the inmate’s name, the check drawn upon the inmate trust fund shall be made payable to the savings institution which has been chosen by the inmate, with the inmate as a reference, and shall be mailed to the savings institution. If an inmate requests a copy of a cancelled check or requests to stop payment on a check, the inmate shall be responsible for the fees charged to process these transactions. Requests for special withdrawals submitted without the required signatures or on other than the approved form will be returned to the inmate without processing. Inmates wishing to send funds to inmates at other institutions must obtain approval from the wardens at both institutions.

(b) With regard to the transfer or payment of funds from inmate trust accounts as identified in paragraphs (2)(d) and (3)(a), the Department will make every reasonable effort to transfer said funds within 10 days of the Department's receipt of an inmate's written request via Form DC2-304, Inmate Trust Fund Special Withdrawal.

(4) through (12) No change.

Specific Authority 944.09, 944.516 945.091, 945.215 FS. Law Implemented 57.085, 717, 944.09, 944.516 945.091, 945.215 FS. History--New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03, 10-20-03, 1-23-05, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Visiting Schedule
RULE NO.: 33-601.722

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the scheduling of visits on state holidays.

SUBJECT AREA TO BE ADDRESSED: Visiting schedule.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.722 Visiting Schedule.

(1) Regular visitors shall be allowed to visit between 9:00 a.m. and 3:00 p.m. Eastern Standard Time (EST) – 8:00 a.m. and 2:00 p.m. Central Standard Time CST each Saturday and Sunday.

(a) through (b) No change.

(c) Regular visiting shall occur on the following holidays: when the holidays of July Fourth, Thanksgiving Day, and Christmas Day fall on a weekday.

1. New Year's Day;

2. Birthday of Martin Luther King, Jr., third Monday in January;

3. Memorial Day;

4. Independence Day;

5. Labor Day;

6. Veteran's Day, November 11;

7. Thanksgiving Day;

8. Friday after Thanksgiving; and

9. Christmas Day.

(d) If any of the holidays listed in paragraph (c) above falls on Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on Sunday, the following Monday shall be observed as a holiday.

(2) through (3) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Formerly 33-601.708, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLES: Departments and Services
RULE NO.: 59A-3.2085

PURPOSE AND EFFECT: The Agency proposes to revise Rule 59A-3.2085, Florida Administrative Code, consistent with provisions of Section 3 of Chapter 2004-325, Laws of Florida. That law provides for adoption of rules to establish primary and comprehensive stroke centers criteria that are substantially similar to the certification standards of the Joint Commission on Accreditation of Healthcare Organizations for those centers.

SUBJECT AREA TO BE ADDRESSED: The proposed rule revision establishes criteria for designation of hospital services as primary and comprehensive stroke centers.

SPECIFIC AUTHORITY: 395.1055 FS.

LAW IMPLEMENTED: 395.001, 395.1011, 395.1055 FS.

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

TIME AND DATE: 10:00 a.m., February 28, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)487-0641

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Examination
 RULE NO.: 64B19-11.001

PURPOSE AND EFFECT: The Board proposes to delete subsection (4)(c).

SUBJECT AREA TO BE ADDRESSED: The time limit for passing both parts of the examination and submitting evidence of completed post-doctoral work experience will be deleted from the rule.

SPECIFIC AUTHORITY: 456.017(1)(b),(c), 490.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b),(c),(d),(6), 490.005 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: 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:

- 64B19-11.001 Examination.
- (1) through (4)(b) No change.

~~(c) The Board shall close the application file of any applicant who fails to pass both parts of the examination within twenty four (24) months of the Board's letter advising that the applicant has been approved for the examination. The Board shall close the application file of any applicant who fails to submit evidence of completion of the post doctoral supervised experience within twenty four (24) months of the Board's letter advising that the applicant has been approved for examination.~~

Specific Authority 456.017(1)(b),(c), 490.004(4) FS. Law Implemented 456.017(1)(b),(c),(d),(6), 490.005 FS. History—New 4-4-82, Amended 7-11-84, Formerly 21U-11.03, Amended 2-19-86, 12-30-86, 3-10-87, 11-21-88, 3-5-90, 1-16-92, Formerly 21U-11.003, Amended 6-14-94, Formerly 61F13-11.003, Amended 1-17-96, 6-26-97, Formerly 59AA-11.001, Amended 2-21-99, 5-1-00, 1-10-01, 8-5-01, 4-26-04, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE TITLE: Overpayment and Benefit Recovery
 RULE NO.: 65A-1.900

PURPOSE AND EFFECT: The proposed amendment provides criteria for when the department will consider a compromise of a food stamp program claim or any portion of a food stamp claim.

SUBJECT AREA TO BE ADDRESSED: This rule amendment provides that the department reserves the right to approve or not approve a compromise of a food stamp program claim or any portion of a food stamp claim. It also provides that a compromise will be considered only to resolve (1) pending litigation; (2) bankruptcy proceedings.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.41 FS.

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

TIME AND DATE: 10:30 a.m., March 3, 2005

PLACE: Building 3, Room 439, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Bowman, Program Administrator, Building 3, Room 417, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)921-5549

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Rules Relating to Game
 RULE CHAPTER NO.: 68A-12

RULE TITLE: Game Farms
 RULE NO.: 68A-12.011

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to promulgate a new rule pertaining to the establishment and operation of game farms in Florida. The proposed rule will replace the substantive portions of existing statute, Section 372.16, Florida Statutes. That statute is expected to be repealed by the Legislature after this replacement rule is adopted. The proposed rule also clarifies the requirements for lawful operation of game farms in Florida.

SUBJECT AREA TO BE ADDRESSED: Establishment and operation of game farms in Florida.

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

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

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

TIME AND DATE: 6:00 p.m. – 8:00 p.m., March 9, 2005

PLACE: Agriculture Extension Service Livestock Pavilion, 2232 N.E. Jacksonville Road, Ocala, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68A-12.011 Game Farms.

(1) Any person who establishes, maintains, or operates a game farm within this state for the possession, protection, propagation, rearing, or production of native or non-native game for private or commercial purposes shall be licensed pursuant to Section 372.16, F.S., and comply with the provisions of this rule. Game reared or produced on game farms shall be considered personal property and may be sold or disposed of as such. In the event that the facility location is under lease to the applicant, said lease shall be for a term sufficient to cover the term of the license and such lease is subject to review and approval by commission personnel as a condition to the granting of the license. Game farms shall be subject at any time to inspection by commission personnel, for compliance with Commission rules and other applicable laws. No game farm license shall be issued for the possession of game mammals until the premises of such game farm has been inspected and approved by commission personnel. It shall be unlawful to buy, sell or transfer any live game to or from any unlicensed entity within Florida.

(2) All game farms established under the provisions of this section shall comply with Chapter 68A-6, F.A.C. and, if applicable, Rules 68A-4.005, 68A-4.0051 and 68A-4.0052, F.A.C., in regard to providing food, humane treatment, sanitary conditions, housing, importation, movement and transportation requirements.

(3) Game reared or produced on game farms may be purchased, sold, shipped, and transported for possession, propagation, restocking or food purposes. Recipients of any live game received from a game farm must be licensed pursuant to Section 372.16, 372.661 or 372.921, F.S., except for quail to be used solely for dog training purposes as provided in Rule 68A-12.008, F.A.C.

(4) The licensee of a game farm shall maintain a record of all changes in inventory to include each acquisition, birth and death, animal harvested for personal consumption and sale or transfer of game, live or dead. Such records shall be open to inspection upon request by commission personnel:

(a) Records of acquisition shall include the date of acquisition; quantity and species of game acquired; name and complete address of supplier; and license identification number of supplier.

(b) Records of sale or transfer shall include the date of sale or transfer; quantity and species of game sold or transferred; name and complete address of the entity to which game is sold or transferred; and license identification number of the recipient, where applicable.

(c) The licensee of a game farm importing or conducting intrastate movement of deer, elk, or other members of the Family Cervidae shall keep and maintain a copy of all records of compliance with Rule 68A-4.0051 and Chapter 5C-26, F.A.C., regarding the importation or intrastate movement of such deer, elk, or other members of the Family Cervidae.

(5) All game reared or produced that is sold, transferred, or used for food or consumptive purposes must be killed on the premises of the game farm by the licensee or under the direct supervision of the licensee. Game for which there is an open season may not be killed by shooting, except during the open season. The hunting or pursuing of game for sport purposes on the premises of any facility licensed pursuant to Section 372.921 or 372.16, F.S., and the provisions of this rule is prohibited.

(6) Game sold or transferred for food or consumptive purposes shall comply with the following provisions:

(a) The sale of deer (venison) from species of deer native to the state is prohibited.

(b) The carcasses of each game bird and the sealed container in which placed shall be clearly marked with the species; and name, complete address and license identification number of the game farm producing the game.

(c) Deer (venison) from species of deer not native to the state may only be sold when packaged in a tamper-proof container clearly marked with a label stating "NON-NATIVE VENISON (species identified) PRODUCED ON A LICENSED GAME FARM." In addition, each container shall be clearly marked to indicate the name, complete address and license identification number of the game farm producing the game.

(d) Game stored on the premises of the game farm shall be clearly marked or tagged to reflect the name and complete address of the recipient, and the date of sale or transfer.

(e) This section shall not supersede any rules of any state or Federal agency or any laws regarding quality control, inspections, transportation, sale, or regulation of foodstuff and meat products.

(7) No person or common carrier shall knowingly transport or receive for transportation any game originating from a game farm without a bill of sale or transfer clearly indicating the quantity and species of game; name, complete address and license identification number of the game farm producing the game; date of sale or transfer; and name, complete address and where applicable license identification number of the recipient. Any package or container containing game shall be clearly marked as follows:

(a) Any package or container containing game for food or consumptive purposes shall be clearly marked as provided in this rule for the marking of game for food or consumptive purposes.

(b) Any container containing live game shall be clearly marked to indicate the quantity and species of game contained there in; name complete address and license identification number of the game farm producing the game; date of sale or transfer; and name, complete address and license identification number of the recipient.

(8) Rule 68A-5.004, F.A.C., shall apply to licenses issued pursuant to Section 372.16, F.S. and the provisions of this rule. In addition, the game farm license of any person convicted of a second or subsequent violation of this rule shall be revoked; and no person so convicted shall be eligible for a license for a period of one year following the date of the revocation.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New _____.

DEPARTMENT OF FINANCIAL SERVICES

Office of Financial Regulation

RULE TITLE: Application Procedure for Mortgage Broker License
RULE NO.: 69V-40.031

PURPOSE AND EFFECT: The rule is being amended to update reference to a newly revised Mortgage Broker application and instructions, revision date of 03/2005. The revised Mortgage Broker application, attached for reference, is being revised as to form only. There is no change to the information required to be completed by applicants.

SUBJECT AREA TO BE ADDRESSED: Revision to the Mortgage Broker application.

SPECIFIC AUTHORITY: 215.405, 494.0011(2) FS.

LAW IMPLEMENTED: 120.60(1), 494.0033 FS.

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

TIME AND DATE: 10:00 a.m., February 28, 2005

PLACE: Office of Financial Regulation, The Fletcher Building, 101 E. Gaines Street, Room 547, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela Epting, Bureau Chief, Bureau of Regulatory Review, 200 East Gaines Street, Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-40.031 Application Procedure for Mortgage Broker License.

(1) Each person desiring to obtain licensure as a mortgage broker shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Licensure as a Mortgage Broker, Form OFR-MB-101, revised 03/2005 ~~10/99~~, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. The application must be completed and signed within thirty (30) days prior to receipt by the Office;

(b) The statutory nonrefundable application fee required by Section 494.0033, F.S., which shall be the fee for the biennial period beginning September 1 of each odd-numbered year or any part thereof;

(c) A completed fingerprint card accompanied by a \$23 nonrefundable processing fee; and

(d) Evidence that the applicant has completed the mortgage broker education requirements of subsection 494.0033(3), F.S.

(2) through (7) No change.

Specific Authority 215.405, 494.0011(2) FS. Law Implemented 120.60(1), 494.0033 FS. History--New 10-30-86, Amended 1-30-89, 5-23-89, 11-28-89, 10-1-91, 6-8-92, 6-3-93, 6-6-93, 4-25-94, 5-14-95, 9-3-95, 11-24-97, 8-22-99, 12-12-99, 12-11-03, Formerly 3D-40.031, Amended _____.

Section II
Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Comprehensive Management
Information System

RULE NO.: 6A-1.0014

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise existing requirements of the statewide comprehensive management information system in order to implement changes recommended by school districts and to make changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility between state and local information systems components. The statewide comprehensive management information system provides the data on which the measurement of school improvement and accountability is based.

SUMMARY: The rule incorporates revisions to selected data elements, procedures and timelines for state reporting, local recordkeeping, and statewide records transfer which are to be implemented by each school district and the Department within the automated statewide comprehensive management information system. The rule contains the security, privacy and retention procedures to be used by the Department for school district, student, staff, and finance records collected and maintained at the state level.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1001.02(1), 1008.385(3) FS.

LAW IMPLEMENTED: 1001.23, 1002.22(3)(d)3., 1008.385(2) FS.

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

TIME AND DATE: 9:00 a.m., March 15, 2005

PLACE: Miami, Florida (For additional information on location, please call: Lynn Abbott, (850)245-9661)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lavan Dukes, Office of Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Room 852, Tallahassee, Florida 32399-0400, (850)245-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0014 Comprehensive Management Information System.

(1) No change.

(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department within its automated information system component as prescribed in the publications entitled “DOE Information Data Base Requirements: Volume I – Automated Student Information System, ~~2004~~ 2003”, “DOE Information Data Base Requirements: Volume II – Automated Staff Information System, ~~2004~~ 2003,” and “DOE Information Data Base Requirements: Volume III – Automated Finance Information System, 1995.” These publications which include the Department procedures for the security, privacy, and retention of school district student and staff records collected and maintained at the state level are hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost to be established by the Commissioner not to exceed actual cost.

Specific Authority 1001.02(1), 1008.385(3) FS. Law Implemented 1001.23, 1002.22(3)(d)3., 1008.385(2) FS. History—New 2-19-87, Amended 12-21-87, 12-13-88, 3-25-90, 3-24-91, 3-17-92, 12-23-92, 2-16-94, 3-21-95, 7-4-96, 5-19-97, 10-13-98, 10-17-00, 5-19-03, 7-20-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lavan Dukes, Department of Education, Office of Education Information and Accountability Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jay Pfeiffer, Director Accountability, Research and Measurement, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Requirements for Programs and Courses

Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

RULE NO.: 6A-1.09441

PURPOSE AND EFFECT: The purpose of this amendment is to obtain approval of the “Course Code Directory and Instructional Personnel Assignments” for 2005-2006 which provides specific conditions for which students may earn credit toward high school graduation and for which the courses are funded through the Florida Education Finance Program

(FEFP). The changes within the incorporated documents include the addition of courses in art, social sciences, and foreign language, the amendment of certification areas for courses in reading to align with teacher certification requirements, and narrative sections were made to align course requirements with state law and federal regulations. The effect will be a rule which accurately reflects the courses for which districts may receive funding.

SUMMARY: Revisions to the “Course Code Directory and Instructional Personnel Assignments” were made to align courses, teacher certification, and the narrative section to recent changes in teacher certification, state laws, and federal regulations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1001.02(1), 1011.62(1)(r) FS.

LAW IMPLEMENTED: 1011.62(1) FS.

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

TIME AND DATE: 9:00 a.m., March 15, 2005

PLACE: Miami, Florida (For additional information on location, please call: Lynn Abbott, (850)245-9661

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Vice Chancellor for Student Achievement, K-12 Public Schools, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09441 Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) The program in which the student is in membership shall be one of the programs listed in Section 1011.62(1)(c), ~~236.081(1)(e)~~, Florida Statutes.

(2) The course or program in which the student is in membership shall be an educational activity which constitutes a part of the instructional program approved by the district school board.

(3) The student shall be under the supervision of an instructional staff member as defined in Rule 6A-1.0501, F.A.C.

(4) The course or program shall be listed in the “Course Code Directory and Instructional Personnel Assignments” for the year in which the student is in membership.

(5) The “Course Code Directory and Instructional Personnel Assignments 2005-2006 ~~2002-2003~~” is hereby incorporated by reference and made a part of this rule. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from the Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Specific Authority 1001.02(1), 1011.62(1)(r) ~~229.053(1), 236.081~~ FS. Law Implemented 1011.62(1) ~~229.592, 232.246, 236.081, 240.40202~~ FS. History—New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-18-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01, 10-16-01, 7-30-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Jane Tappen, Vice Chancellor for Student Achievement, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jim Warford, Chancellor K-12 Education, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 25, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2005

DEPARTMENT OF REVENUE

Sales and Use Tax

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

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

SUMMARY: The proposed amendments to Rule 12A-1.005, F.A.C. (Admissions), clarify: (1) that capital assessments are not subject to sales tax when they comply with the expenditure requirements contained in subparagraph (4)(a)2. of the rule; and (2) the definition of the term “capital assessments” for purposes of the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

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

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

TIME AND DATE: 9:00 a.m., March 15, 2005

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.005 Admissions.

(1) through (3) No change.

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

(a) No change.

(b) For purposes of this rule:

1. No change.

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

b. The phrase "capital assessments" means payments made by members of an organization that by themselves do not entitle an individual to use the facilities or equipment of an organization and that are used solely for capital expenditures.

for capital improvements to the organization's facilities, or for direct allocation to debt servicing such expenditures and improvements by the organization.

(c) through (f) No change.

(5) through (6) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet L. Young, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-9407

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4746

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12A-1.005, F.A.C. (Admissions), were noticed for a rule development workshop in the Florida Administrative Weekly on July 16, 2004 (Vol. 30, No. 29, p. 2943). A rule development workshop was held on August 2, 2004. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE:

Public Use Forms

RULE NO.:

12A-1.097

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of sales and use tax and to remove forms that are no longer required to be adopted by reference.

SUMMARY: The proposed amendments to Rule 12A-1.097, F.A.C., adopt, by reference, changes to forms used by the Department in the administration of sales and use tax and remove forms that are no longer required to be adopted by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

SPECIFIC AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4.,(7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2),(7) FS.

LAW IMPLEMENTED: 92.525(1)(b),(3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2),(3),(6),(16),(24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1),(8),(9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1),(4),(5), 212.12(1),(2),(9),(13), 212.13, 212.14(5), 212.17, 212.18(2),(3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1),(3), 443.131, 443.1315, 443.1316, 443.171(2),(7) FS.

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

TIME AND DATE: 9:00 a.m., March 15, 2005
 PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.097 Public Use Forms.

(1) The following public use forms and instructions are employed by the Department in its dealings with the public related to the administration of Chapter 212, F.S. These forms are hereby incorporated by reference in this rule.

(a) through (b) No change.

Form Number	Title	Effective Date
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(2) through (4) No change.

(5)(a) DR-7	Consolidated Sales and Use Tax Return (R. 01/05 <u>01/04</u>)	<u>09/04</u>
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(b) DR-7N	Instructions for Consolidated Sales and Use Tax Return (R. 01/05 <u>01/04</u>)	<u>09/04</u>
(6)(a) DR-15	Sales and Use Tax Return (R. 01/05 <u>01/04</u>)	<u>09/04</u>
(b) DR-15CS	Sales and Use Tax Return (R. 01/05 <u>01/04</u>)	<u>09/04</u>
(c) DR-15CSN	DR-15 Sales and Use Tax Return - Returns Instructions for 2005 <u>2004</u> (R. 01/05 <u>01/04</u>)	<u>09/04</u>
(d) DR-15EZ	Sales and Use Tax Return (R. 01/05 <u>01/04</u>)	<u>09/04</u>
(e) DR-15EZN	Instructions for 2005 <u>2004</u> DR-15EZ Sales and Use Tax Returns (R. 01/05 <u>01/04</u>)	<u>09/04</u>
(f) No change.		
(g) DR-15MO	<u>Florida Tax on Purchases Out of State Purchase Return</u> (R. 09/04 <u>06/04</u>)	<u>08/02</u>
(h) DR-15N	Instructions for 2005 <u>2004</u> DR-15 Sales and Use Tax Returns (R. 01/05 <u>01/04</u>)	<u>09/04</u>
(i) DR-15SA	Sales and Use Tax Return [Semi-Annual] (R. 06/02)	<u>04/03</u>
(j) DR-15SAN	Annual and Semiannual Sales and Use Tax Return Instructions (R. 12/02)	<u>04/03</u>
(k) through (n) renumbered (i) through (l)	No change.	
(7) through (8)	No change.	
(9) DR-18	Application for Amusement Machine Certificate (R. 01/05 <u>06/04</u>)	<u>06/04</u>
(10) through (23)	No change.	

Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4.,(7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2),(3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2),(7) FS. Law Implemented 92.525(1)(b),(3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2),(3),(6),(16),(24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1),(8),(9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1),(4),(5), 212.12(1),(2),(9),(13), 212.13, 212.14(5), 212.17, 212.18(2),(3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1),(3), 443.131, 443.1315, 443.1316, 443.171(2),(7) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04,

NAME OF PERSON ORIGINATING PROPOSED RULE: Alan Fulton, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-8026

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gary Gray, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12A-1.097, F.A.C., were noticed for a rule development workshop in the Florida Administrative Weekly on December 17, 2004 (Vol. 30, No. 51, pp. 5188-5189). A rule development workshop was held on January 4, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department. Changes have been made to remove forms that are no longer required to be certified and to adopt, by reference, revisions to an additional form.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Public Use Forms

RULE NO.: 12A-16.008

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge.

SUMMARY: The proposed amendments to Rule 12A-16.008, F.A.C., adopt, by reference changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

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

LAW IMPLEMENTED: 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS.

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

TIME AND DATE: 9:00 a.m., March 15, 2005

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-16.008 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the rental car surcharge.

(b) No change.

Form Number	Title	Effective Date
(2) DR-15SW	Solid Waste and Surcharge Return (R. 01/05 R-04/03)	___ 09/04
(3) DR-15SWN	Instructions for <u>2005 Completing the DR-15SW Solid Waste and Surcharge Returns</u> Return (R. 01/05 R-09/03)	___ 09/04
(4) DR-15SWS	Schedule of Rental Car Surcharge by County (R. 01/05 N-01/04)	___ 09/04

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS. History—New 11-14-89, Amended 7-7-91, 8-10-92, 3-21-95, 6-19-01, 4-17-03, 9-28-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alan Fulton, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-8026

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gary Gray, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12A-16.008, F.A.C., were noticed for a rule development workshop in the Florida Administrative Weekly on December 17, 2004 (Vol. 30, No. 51, p. 5189). A rule development workshop was held on January 4, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department. Changes have been made to adopt, by reference, revisions to an additional form.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Public Use Forms RULE NO.: 12A-17.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-17.005, F.A.C. (Public Use Forms), is to adopt, by reference, changes to the form used by the Department in the administration of the registration renewal of secondhand dealers or secondary metals recyclers.

SUMMARY: The proposed amendments to Rule 12A-17.005, F.A.C. (Public Use Forms), adopt, by reference, changes to the form used by the Department in the administration of the registration renewal of secondhand dealers or secondary metals recyclers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 538.11 FS.

LAW IMPLEMENTED: 212.17(6), 212.18(2), 213.06(1), 538.09, 538.11, 538.25, 539.002 FS.

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

TIME AND DATE: 9:00 a.m., March 15, 2005

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-17.005 Public Use Forms.

The following public-use forms and instructions are employed by the Department in its dealings with the public in administering Chapter 538, F.S., and are incorporated by reference in this rule. Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Distribution Center at (850)922-2208; or 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or 4) calling the Forms Request Line during regular office hours at (800)352-3671 or (850)488-6800; or 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(1) No change.		
(2) DR-1SR	Renewal Application for Secondhand Dealer or Secondary Metals Recycler (R. 07/04 06/02)	08/02

Specific Authority 212.17(6), 212.18(2), 213.06(1), 538.11 FS. Law Implemented 212.17(6), 212.18(2), 213.06(1), 538.09, 538.11, 538.25, 539.002 FS. History—New 3-15-90, Amended 11-14-91, 4-18-93, 10-17-94, 8-1-02, 9-28-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alan Fulton, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-8026

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gary Gray, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12A-17.005, F.A.C., were noticed for a rule development workshop in the Florida Administrative Weekly on December 17, 2004 (Vol. 30, No. 51, pp. 5189-5190). A rule development

workshop was held on January 4, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES: Tax Due at Time of Sale; Tax Returns and Regulations
 PUBLIC USE FORMS: Public Use Forms

RULE NOS.: 12A-19.020
 12A-19.100

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.020, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), is to move provisions regarding which version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed during specified months from Rule 12A-19.020, F.A.C., to Rule 12A-19.100, F.A.C. (Public Use Forms), as amended.

The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to: (1) provide which version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed during specified months; and (2) adopt, by reference, revisions to Form DR-700016.

SUMMARY: The proposed amendments to Rule 12A-19.020, F.A.C., remove provisions regarding which version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed during specified months. These provisions, as updated, will be provided in Rule 12A-19.100, F.A.C., as amended.

The proposed amendments to Rule 12A-19.100, F.A.C.: (1) provide which version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed during specified months; and (2) adopt, by reference, revisions to Form DR-700016.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

SPECIFIC AUTHORITY: 202.15, 202.151, 202.16(2), 202.26(3)(a),(c),(d) FS.

LAW IMPLEMENTED: 202.11(4),(11),(12), 202.12(1), 202.13(2), 202.15, 202.151, 202.16, 202.17(6), 202.19(1), 202.22(6), 202.27, 202.28(1),(2), 202.30(3), 202.33, 202.34(3),(4)(c), 202.35(1),(2) FS.

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

TIME AND DATE: 9:00 a.m., March 15, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert Babin, Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4842

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-19.020 Tax Due at Time of Sale; Tax Returns and Regulations.

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

(c) Form DR-700016, Florida Communications Services Tax Return, contains current tax rates for each local taxing jurisdiction. These rates are also contained on the Department’s Internet site at the address shown inside the parentheses (www.myflorida.com/dor/taxes/local_tax_rates.html). The Department’s Internet site and form DR-700016 are revised when the tax rate in any local jurisdiction changes. Versions of Form DR-700016, Florida Communications Services Tax Return, and the applicable reporting periods and service billing dates are provided in Rule 12A-19.100, F.A.C.

~~(d) The following versions of form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:~~

Revision Date	Reporting Periods	Service Billing Dates
06/04	June 2004	June 1, 2004
01/04	January 2004 – May 2004	January 1, 2004 – May 31, 2004
12/03	December 2003	December 1, 2003 – December 31, 2003
11/03	November 2003	November 1, 2003 – November 30, 2003
10/03	October 2003	October 1, 2003 – October 31, 2003
06/03	June 2003 – September 2003	June 1, 2003 – September 30, 2003
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001

(4) through (10) No change.

Specific Authority 202.15, 202.151, 202.26(3)(a) FS. Law Implemented 202.12(1), 202.15, 202.151, 202.16, 202.19(1), 202.22(6), 202.27, 202.28(1),(2), 202.30(3), 202.33(2), 202.35(1) FS. History—New 1-31-02, Amended 4-17-03, 7-31-03, 10-1-03, 9-28-04, _____.

12A-19.100 Public Use Forms.

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

(b) No change.

(2) The following versions of Form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:

Revision Date	Reporting Periods	Service Billing Dates
01/05	January 2005 –	January 1, 2005 –
11/04	November 2004 – December 2004	November 1, 2004 – December 31, 2004
10/04	October 2004	October 1, 2004 – October 31, 2004
06/04	June 2004 – September 2004	June 1, 2004 – September 30, 2004
01/04	January 2004 – May 2004	January 1, 2004 – May 31, 2004
12/03	December 2003	December 1, 2003 – December 31, 2003
11/03	November 2003	November 1, 2003 – November 30, 2003
10/03	October 2003	October 1, 2003 – October 31, 2003
06/03	June 2003 – September 2003	June 1, 2003 – September 30, 2003
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001

Form Number Title Effective Date

(3)(2) No change.

(4)(a) DR-700016 Florida Communications Services Tax Return (R. 01/05) _____

(b) DR-700016 Florida Communications Services Tax Return (R. 11/04) _____

(c) DR-700016 Florida Communications Services Tax Return (R. 10/04) _____

(a) through (m) renumbered (d) through (p) No change.

(4) through (8) renumbered (5) through (9) No change.

Specific Authority 202.15, 202.151, 202.16(2), 202.26(3)(a),(c),(d) FS. Law Implemented 202.11(4),(11),(12), 202.12(1), 202.13(2), 202.15, 202.151, 202.16(2),(4), 202.17(6), 202.19(1), 202.22(6), 202.27, 202.28(1),(2), 202.30(3), 202.33, 202.34(3),(4)(c), 202.35(1),(2) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Babin, Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4842

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gary Gray, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4729

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rules 12A-19.020 and 12A-19.100, F.A.C., were noticed for a rule development workshop in the Florida Administrative Weekly on December 17, 2004 (Vol. 30, No. 51, pp. 5190-5191). A rule development workshop was held on January 4, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Public Use Forms RULE NO.: 12B-4.003

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-4.003, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to forms used by the Department in the administration of the documentary stamp tax; and (2) provide technical changes to guidelines on how to obtain forms from the Department.

SUMMARY: The proposed amendments to Rule 12B-4.003, F.A.C.: (1) adopt, by reference, changes to forms used by the Department in the administration of the documentary stamp tax; and (2) provide technical changes to guidelines on how to obtain forms from the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

SPECIFIC AUTHORITY: 201.11, 213.06(1) FS.

LAW IMPLEMENTED: 201.022, 201.133 FS.

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

TIME AND DATE: 9:00 a.m., March 15, 2005

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4709

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-4.003 Public Use Forms.

(1) The following public-use forms and instructions are employed by the Department of Revenue in its administration of the documentary stamp tax, and are hereby incorporated in this rule by reference. Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) ~~using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4)~~ visiting any local Department of Revenue Service Center to personally obtain a copy; or, ~~45)~~ calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, ~~56)~~ downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) No change.		
(3) DR-225 DR-225B	Documentary Stamp Tax Return For Registered Taxpayers' Unrecorded Documents (R. 12/04 03/01)	_____ 05/03
(4) DR-228	Documentary Stamp Tax Return For Nonregistered Taxpayers' Unrecorded Documents (R. 12/04 10/02)	_____ 05/03

Specific Authority 201.11, 213.06(1) FS. Law Implemented 201.022, 201.133 FS. History—Revised 8-18-73, Formerly 12A-4.03, Amended 9-26-77, 12-11-78, Formerly 12B-4.03, Amended 12-5-89, 2-16-93, 10-20-93, 12-30-97, 5-4-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12B-4.003, F.A.C., were noticed for a rule development workshop in the Florida Administrative Weekly on December 17, 2004 (Vol. 30, No. 51, p. 5192). A rule development workshop was held on January 4, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Public Use Forms
RULE NO.: 12B-7.031

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-7.031, F.A.C. (Public Use Forms), is to adopt, by reference, changes to the form used by the Department in the administration of the Miami-Dade County Lake Belt mitigation fee.

SUMMARY: The proposed amendments to Rule 12B-7.031, F.A.C., adopt, by reference, changes to the form used by the Department in the administration of the Miami-Dade County Lake Belt mitigation fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

SPECIFIC AUTHORITY: 213.06(1), 373.41492(4)(b) FS.

LAW IMPLEMENTED: 92.525(1)(b),(2),(3),(4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS.

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

TIME AND DATE: 9:00 a.m., March 15, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4709

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-7.031 Public Use Forms.

(1)(a) The following form and instructions are used by the Department in its dealings with the public in the administration of the Miami-Dade County Lake Belt mitigation fee. This form and instructions are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
(2) DR-146	Miami-Dade County Lake Belt Mitigation Fee Monthly Return (R. 11/04 01/04)	09/04

Specific Authority 213.06(1), 373.41492(4)(b) FS. Law Implemented 92.525(1)(b),(2),(3),(4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS. History—New 10-1-03, Amended 9-28-04,

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12B-7.031, F.A.C., were noticed for a rule development workshop in the Florida Administrative Weekly on December 17, 2004 (Vol. 30, No. 51, pp. 5192-5193). A rule development workshop was held on January 4, 2005. No one appeared to provide comment regarding these proposed rule changes. No

written comments have been received by the Department. A technical change has been made to correct the revision date of the form to be adopted by reference.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Tax Statement; Overpayments
RULE NO.: 12B-8.003

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.

SUMMARY: The proposed amendments to Rule 12B-8.003, F.A.C., adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 213.05, 213.37, 624.5092, 624.511, 624.518 FS.

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

TIME AND DATE: 9:00 a.m., March 15, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4715

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-8.003 Tax Statement; Overpayments.

(1) Tax returns and reports shall be made by insurers on forms prescribed by the Department. These forms are hereby incorporated by reference in this rule.

(2) through (4) No change.		
Form Number	Title	Effective Date
(5)(a) DR-907	Florida Insurance Premium Installment Payment (R. 01/05 01/04)	<u>09/04</u>
(b) DR-907N	Information for Filing Insurance Premium Installment Payment (Form DR-907) (R. 01/05 01/04)	<u>09/04</u>
(6)(a) DR-908	Insurance Premium Taxes and Fees Return for Calendar Year 2004 2003 (R. 01/05 01/04)	<u>09/04</u>
(b) DR-908N	Instructions for Preparing Form DR-908 Florida Insurance Premium Taxes and Fees Return (R. 01/05 01/04)	<u>09/04</u>
(7) DR-350900	2004 2003 Insurance Premium Tax Information for Schedules XII and XIII, DR-908 (R. 01/05 01/04)	<u>09/04</u>

Specific Authority 213.06(1) FS. Law Implemented 213.05, 213.37, 624.5092, 624.511, 624.518 FS. History—New 2-3-80, Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99, 10-15-01, 8-1-02, 5-4-03, 9-28-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4715

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Felix, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4111

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12B-8.003, F.A.C., were noticed for a rule development workshop in the Florida Administrative Weekly on December 17, 2004 (Vol. 30, No. 51, p. 5193). A rule development workshop was held on January 4, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES: RULE NOS.:

Implementation of the Tax on Gross Receipts on Dry-Cleaning Facilities and Dry Drop-Off Facilities	12B-11.001
Gross Receipts Tax on Dry-Cleaning Facilities and Dry Drop-Off Facilities	12B-11.0011
Definitions	12B-11.002
Registration	12B-11.005

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

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

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

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

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

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

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

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

TIME AND DATE: 9:00 a.m., March 15, 2005

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

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

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

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

(2) through (3) No change.

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

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

(1) Dry-cleaning facilities:

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

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

- 1. Coin-operated laundry machines;
- 2. Coin-operated dry cleaning machines, unless operated at an establishment primarily engaged in the business of dry cleaning clothing and other fabrics;
- 3. Laundering done on a wash, dry, and fold basis;

4. Uniform rental companies; or

5. Linen supply companies.

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

RESALE CERTIFICATE FOR GROSS RECEIPTS TAX ON LAUNDERING AND DRYCLEANING SERVICES

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

NAME OF PURCHASING FACILITY: _____

PURCHASING FACILITY'S ADDRESS: _____

CERTIFICATE OF REGISTRATION NUMBER: _____

EFFECTIVE DATE OF CERTIFICATE: _____

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

SIGNATURE OF PURCHASER OR PURCHASER'S AGENT

TITLE

DATE

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

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

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

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

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

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

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

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

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

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

~~facility. XYZ Cleaners must obtain resale certificates from the two independent dry drop-off facilities to exempt the receipts from the two independent dry drop-off facilities.~~

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

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

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

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

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

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

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

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

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

- ~~(a) The United States Government;~~
- ~~(b) The state;~~

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

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

12B-11.002 Definitions.

For purposes of this rule chapter:

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

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

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

12B-11.005 Registration.

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

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

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

(2) through (3) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Alan Fulton, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-8026

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Zych, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-2576

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12B-11, F.A.C. (Tax on Gross Receipts on Dry-Cleaning), were noticed for a rule development workshop in the Florida Administrative Weekly on July 16, 2004 (Vol. 30, No. 29, pp. 2947-2948). A rule development workshop was held on August 2, 2004. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Imposition of the Tax

RULE NO.: 12B-12.0031

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-12.0031, F.A.C. (Imposition of the Tax), is to: (1) clarify that, pursuant to Section 376.75(6), F.S., a licensed dealer must obtain a certificate, signed under penalty of perjury, from the transferee of perchloroethylene to demonstrate that the perchloroethylene sold is not for use in a Florida dry-cleaning facility; and (2) remove unnecessary provisions and make necessary technical changes.

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

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

LAW IMPLEMENTED: 376.301(13), 376.75 FS.

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

TIME AND DATE: 9:00 a.m., March 15, 2005

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-12.0031 Imposition of the Tax.

(1) The tax is levied on perc sold to or imported by a dry-cleaning facility, as defined in Section 376.301(13)(10), F.S., located in Florida.

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

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

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

TRANSFER OR SALE OF PERCHLOROETHYLENE CERTIFICATE

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

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

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

Purchaser _____

Address _____

By _____

(Signature)

Date _____

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

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

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

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

~~1. The state;~~

~~2. Any county;~~

~~3. Any municipality;~~

~~4. Any other political subdivision of the state;~~

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

~~a. Religious;~~

~~b. Charitable;~~

~~e. Educational;~~

~~d. Veterans';~~

~~e. Scientific; or,~~

~~f. Other entity exempt from the tax imposed by Chapter 212, F.S.~~

(4) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Alan Fulton, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-8026

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Zych, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-2576

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12B-12.0031, F.A.C. (Imposition of the Tax), were noticed for a rule development workshop in the Florida Administrative Weekly on July 16, 2004 (Vol. 30, No. 29, pp. 2947-2948). A rule development workshop was held on August 2, 2004. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE TITLE: Forms
 RULE NO.: 12C-1.051

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, changes to the forms used by the Department in the administration of the corporate income tax and franchise tax.

SUMMARY: The proposed amendments to Rule 12C-1.051, F.A.C., adopt, by reference, changes to the forms used by the Department in the administration of the corporate income tax and franchise tax.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

SPECIFIC AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 220.11, 220.12, 220.13(1),(2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS.

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

TIME AND DATE: 9:00 a.m., March 15, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charles Dunning, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4843

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
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(2) through (3) No change.

(4)(a) F-1065	Florida Partnership Information Return (R. 01/05 01/03)	<u>06/03</u>
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(b) F-1065N	Instructions for Preparing Form F-1065 Florida Partnership Information Return (R. 01/05 05/03)	<u>06/03</u>
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(5) F-1120A	Florida Corporate Short Form Income Tax Return (R. 01/05 01/04)	<u>09/04</u>
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(6)(a) F-1120	Florida Corporate Income/Franchise and Emergency Excise Tax Return (R. 01/05 01/04)	<u>09/04</u>
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(b) F-1120N	F-1120 Instructions – Corporate Income/Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, 2004 (R. 01/05 01/04)	<u>09/04</u>
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(7) F-1120ES	Declaration/Installation of Florida Estimated Income/Franchise and/or Emergency Excise Tax for Taxable Year Beginning on or after January 1, 2004 (R. 01/05 01/04)	<u>09/04</u>
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(8) through (15) No change.

(16) F-2220	Underpayment of Estimated Tax on Florida Corporate Income/Franchise and Emergency Excise Tax (R. 01/05 01/04)	<u>09/04</u>
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(17) F-7004	Florida Tentative Income/Franchise and/or Emergency Excise Tax Return and Application for Extension of Time to File Return (R. 01/05 01/04)	<u>09/04</u>
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Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS. History—New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, 9-28-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles Dunning, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4843

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Felix, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4111

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12C-1.051, F.A.C., were noticed for a rule development workshop in the Florida Administrative Weekly on December 17, 2004 (Vol. 30, No. 51, pp. 5194-5195). A rule development workshop was held on January 4, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE TITLE: Public Use Forms RULE NO.: 12C-2.0115

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the intangible personal property tax.

SUMMARY: The proposed amendments to Rule 12C-2.0115, F.A.C., adopt, by reference, changes to forms used by the Department in the administration of the intangible personal property tax.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been 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 of this notice.

SPECIFIC AUTHORITY: 199.202(2), 213.06(1) FS.

LAW IMPLEMENTED: 199.023, 199.032, 199.042, 199.052, 199.062, 199.103, 199.1055, 199.135, 199.232, 199.292 FS.

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

TIME AND DATE: 9:00 a.m., March 15, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4709

THE FULL TEXT OF THE PROPOSED RULE IS:

12C-2.0115 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department in its dealings with the public related to administration of the intangible tax. These forms are hereby incorporated and made a part of this rule by reference.

(b) No change.

Form Number	Title	Effective Date
(2) DR-601-C	<u>2005</u> 2004 Florida Intangible Personal Property Tax Return for Corporation, Partnership, and Fiduciary Filers as of January 1, <u>2005</u> 2004 (R. <u>01/05</u> 01/04)	<u>09/04</u>
(3) DR-601CN	<u>2005</u> 2004 Instructions for Filing Form DR-601C Intangible Personal Property Tax Return for Corporation, Partnership and Fiduciary Filers (R. <u>01/05</u> 01/04)	<u>09/04</u>
(4) DR-601CS	<u>2005</u> 2004 Schedules B, C, D, and E for use with DR-601C (R. <u>01/05</u> 01/04)	<u>09/04</u>
(5) DR-601-G	Government Leasehold Intangible Personal Property Tax Return <u>for 2005 Tax Year</u> (R. <u>01/05</u> 01/04)	<u>05/03</u>

(6) DR-601-I	<p>2005 2004 Florida Intangible Personal Property Tax Return for Individual and Joint Filers as of January 1, 2005 2004 (R. 01/05 01/04)</p>	<p>09/04</p>	<p>(15)(16) DR-350620 Stockbroker Information Report (R. 01/05 01/03)</p> <p>_____ 05/03</p> <p>Specific Authority 199.202(2), 213.06(1) FS. Law Implemented 199.023, 199.032, 199.042, 199.052, 199.062, 199.103, 199.1055, 199.135, 199.232, 199.292 FS. History—New 11-21-91, Amended 1-5-94, 10-9-01, 5-4-03, 9-28-04, _____.</p>
(7) DR-601IN	<p>2005 2004 Instructions for Filing Form DR-601I Intangible Personal Property Tax Return for Individual and Joint Filers (R. 01/05 01/04)</p>	<p>_____ 09/04</p>	<p>NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4709 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4746</p>
(8) DR-601IS	<p>2005 2004 Schedules B, C, D, and E for use with DR-601I (R. 01/05 01/04)</p>	<p>_____ 09/04</p>	<p>DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2005 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12C-2.0115, F.A.C., were noticed for a rule development workshop in the Florida Administrative Weekly on December 17, 2005 (Vol. 30, No. 41, pp. 5195-5196). A rule development workshop was held on January 4, 2005. No one appeared to provide comment regarding these proposed rule changes. Technical changes have been made by the Department.</p>
(9) DR-602	<p>Intangible Personal Property Tax Application for Extension of Time to File (R. 01/05 12/02)</p>	<p>_____ 05/03</p>	<p>DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2005 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule 12C-2.0115, F.A.C., were noticed for a rule development workshop in the Florida Administrative Weekly on December 17, 2005 (Vol. 30, No. 41, pp. 5195-5196). A rule development workshop was held on January 4, 2005. No one appeared to provide comment regarding these proposed rule changes. Technical changes have been made by the Department.</p>
(10) DR-350111	<p>Intangible Tax Self-Audit Worksheet (R. 12/04 05/03)</p>	<p>_____ 05/03</p>	<p>_____ 05/03</p>
(11) No change.	<p>(12) DR-350113 Taxpayer Affidavit for Trusts with Intangible Tax Self-Analysis Worksheet for Trusts (R. 01/03)</p>	<p>_____ 05/03</p>	<p>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.”</p>
(12) (13) DR-350617	<p>Application for Exclusion from Filing Stockbroker Position Statement (R. 01/05 01/03)</p>	<p>_____ 05/03</p>	<p>STATE BOARD OF ADMINISTRATION RULE TITLES: Reimbursement Contract RULE NOS.: 19-8.010 Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund 19-8.012 Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes 19-8.013 Insurer Reporting Requirements 19-8.029 Insurer Responsibilities 19-8.030 Hurricane Mitigation 19-8.031</p>
(13) (14) DR-350618	<p>Stockbroker Instructions and Specifications for Reporting Information on Magnetic Media for Year Ending 12/31/04 12/31/01 (R. 01/05 01/03)</p>	<p>_____ 05/03</p>	<p>PURPOSE AND EFFECT: The State Board of Administration, Florida Hurricane Catastrophe Fund, is proposing to repeal Rule 19-8.031, F.A.C. The State Board of Administration, Florida Hurricane Catastrophe Fund is also proposing to</p>
(14) (15) DR-350619	<p>Stockbroker Filing Magnetic Media Transmittal (R. 01/05 01/03)</p>	<p>_____ 05/03</p>	<p>_____ 05/03</p>

amend the following rules in order to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2005-2006 Contract Year: Rules 19-8.010, 19-8.012, 19-8.013, 19-8.029 and 19-8.030, F.A.C.

SUMMARY: CS/CS/CS/CS 2488 added the language contained in Rule 19-8.031, F.A.C. to the statute in 2004. See Section 215.555(7)(c), F.S. Therefore, this Rule is obsolete and should be repealed. Proposed amended Rule 19-8.010, F.A.C., adopts the reimbursement contract for the Contract Year 2005-2006. The proposed amendments to Rules 19-8.012, 19-8.013, and 19-8.030, F.A.C. are necessitated by the changes to Section 215.555, Florida Statutes, during the 2004 Legislative Session. Proposed amended Rule 19-8.029, F.A.C., adopts forms for insurer reporting to the Florida Hurricane Catastrophe Fund for the 2005-2006 Contract Year and updates incorporated forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has not prepared a statement for those rules proposed for repeal. With respect to the rules proposed for amendment, the Board has prepared a statement and found the cost to be minimal.

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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2),(3),(4),(5),(6),(7),(10) FS.
A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 Noon, March 8, 2005

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

Any person requiring special accommodations to participate in this proceeding is asked to advise Patti Elsbernd, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1346, at least five (5) calendar days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jack E. Nicholson, Senior FHCF Officer, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1340

THE FULL TEXT OF THE PROPOSED RULES IS:

19-8.010 Reimbursement Contract.

(1) through (10) No change.

(11) The reimbursement contract for the 2005-2006 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-2005K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC #() and The State Board of Administration of the State of Florida (“SBA”) which Administers the Florida

Hurricane Catastrophe Fund (“FHCF”), is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2005 through May 31, 2006.

~~(12)(44)~~ Copies of the reimbursement contract may be obtained from the FHCF website, www.sbafla.com/fhcf or by contacting the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, FL 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308 and the telephone number is, (850)413-1346.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, _____.

19-8.012 Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund.

(1) Purpose. The purpose of this rule is to establish procedures to determine ineligibility for participation in the Florida Hurricane Catastrophe Fund (“the Fund”) and to establish procedures to determine whether an insurer may be exempted from subsections (4) and (5) of Section 215.555, Florida Statutes, because it has less than \$10 million ~~500,000~~ in aggregate exposure for covered policies.

(2) Procedures to Determine Ineligibility for Participation in the Fund.

(a) An insurer seeking ineligibility from participation in the Fund because it has surrendered its certificate of authority to write insurance in Florida shall submit a written request for ineligibility stating that it will have no covered policies, as that term is defined in Section 215.555(2)(c), Florida Statutes, after May 31 of the year for which the ineligibility is sought and provide a copy of the Office of Insurance Regulation Order, if any, revoking the insurer’s authority to write insurance in Florida. The request shall be sent to the Fund’s Administrator, Paragon Strategic Solutions Inc., at 3600 American Boulevard West, Suite 700, Minneapolis, Minnesota 55431.

(b) An insurer which is not surrendering its certificate to write insurance in Florida but which is seeking ineligibility from participation in the Fund because it does not have any covered policies, as that term is defined in Section 215.555(2)(c), Florida Statutes, shall submit a written request for a determination regarding its ineligibility for participation. The request shall be sent, no later than September 1 of the current contract year, to the Fund’s Administrator, Paragon Strategic Solutions Inc. at 3600 American Boulevard West, Suite 700, Minneapolis, Minnesota 55431, and shall contain the following information:

1. A detailed explanation of any premium appearing on the insurer’s Florida Form 2 of the National Association of Insurance Commissioners annual statement for lines of business which may contain covered policies. These lines are:

Fire, Allied Lines, Homeowners Multiple Peril, Commercial Multiple Peril (non-liability portion), Inland Marine, Farmowners Multiple Peril.

2. A copy of the insurer's Form 2 of the annual statement, required by Section 624.424, Florida Statutes, and any rules adopted thereunder, for the State of Florida for the applicable year.

3. Form FHCF-E1, "Statement related to Covered Policies as defined in Section 215.555(2)(c), Florida Statutes," rev. 5/054, signed by two executive officers attesting to the fact that the insurer writes no covered policies. Form FHCF-E1 is hereby adopted and incorporated by reference. The form may be obtained from the Fund's Administrator at the address stated in this paragraph.

(c) No change.

(3) Procedures to Determine Exemption from the Fund Due to Limited Exposure.

(a) An insurer requesting exemption from participation in the Fund because its exposure for covered policies, as defined in Section 215.555(2)(c), Florida Statutes, and in Article V of the reimbursement contract, as adopted and incorporated by reference in Rule 19-8.010, F.A.C., is less than \$10 million ~~500,000~~ in the aggregate shall submit a written request for a determination regarding such an exemption no later than June 1 of the upcoming contract year. The request shall be sent to the Fund's Administrator, Paragon Strategic Solutions Inc., at 3600 American Boulevard West, Suite 700, Minneapolis, Minnesota 55431. The insurer shall submit the following information:

1. A detailed explanation of any premium appearing on the insurer's Florida Form 2 of the National Association of Insurance Commissioners annual statement for lines of business which may contain covered policies. These lines are: Fire, Allied Lines, Homeowners Multiple Peril, Commercial Multiple Peril (non-liability portion), Inland Marine, Farmowners Multiple Peril.

2. A copy of the insurer's Form 2 of the annual statement, required by Section 624.424, Florida Statutes and any rules adopted thereunder, for the State of Florida for the applicable year.

3. Form FHCF-E2, "Information regarding FHCF Covered Policies In-force at May 31, _____," rev. 5/054. Form FHCF-E2 is hereby adopted and incorporated by reference. The form may be obtained from the Fund's Administrator at the address stated in this paragraph.

4. Form FHCF-E3, "Statement related to Aggregate Exposure for Covered Policies as defined in Section 215.555(2)(c), Florida Statutes, on behalf of _____," rev. 5/054, signed by two executive officers attesting to the fact that the insurer writes no covered policies with an aggregate exposure of \$10 million ~~500,000~~ or more. Form FHCF-E3 is

hereby adopted and incorporated by reference. The form may be obtained from the Fund's Administrator at the address stated in this paragraph.

(b) Upon receipt of the information required by subsection (3)(a), above, the Fund's Administrator will forward copies to the Board for review.

1. If the Board determines that additional information is needed before a decision can be made, the Fund's Administrator will obtain the information and forward it to the Board.

2. If the Board determines that the insurer has an aggregate exposure of \$10 million ~~500,000~~ or more for covered policies, as defined in Section 215.555(2)(c), Florida Statutes, and in Article V of the reimbursement contract, as adopted and incorporated by reference in Rule 19-8.010, F.A.C., and must therefore participate in the Fund as required by Section 215.555(4)(a), Florida Statutes, because it does not qualify for the exemption permitted by Section 215.555(3), Florida Statutes, the Board will notify the insurer that its request has been denied. All insurers determined to be participants in the Fund will be required to enter into a reimbursement contract with the Board and will be subject to all premium payments and interest thereon, as well as fees for inadequate exposure data.

3. If the Board determines that the insurer has an aggregate exposure of less than \$10 million ~~500,000~~ for covered policies, as defined in Section 215.555(2)(c), Florida Statutes, and in Article V of the reimbursement contract, as adopted and incorporated by reference in Rule 19-8.010, F.A.C., and that granting the exemption will not adversely affect the actuarial soundness of the Fund, the Board will notify the insurer that its request has been approved and note that the insurer must immediately notify the Board if its exposure becomes \$10 million ~~500,000~~ or more in the aggregate. If this occurs, the insurer will be treated as a "new participant company" and will be subject to the provisions of Rule 19-8.028(4)(c)3., F.A.C. if its exposure becomes \$10 million ~~500,000~~ or more during the period from June 1 through November 30 or will be subject to the provisions of Rule 19-8.028(4)(c)4., F.A.C. if its exposure becomes \$10 million ~~500,000~~ or more during the period from December 1 through May 31. The Board will provide the Fund's Administrator with a copy of any approval letter so that the Fund's Administrator can update its information and can refund any overpayment of reimbursement premium.

4. The exemption for minimal exposure permitted by Section 215.555(3), Florida Statutes, is optional for the insurer. An insurer with less than \$10 million ~~500,000~~ in aggregate exposure for covered policies is not required to ask for an exemption from the Fund. Such an insurer may continue to participate in the Fund if it so desires. An insurer which has been granted an exemption from the Fund may request to be reinstated in the Fund as a participating member. However, such a request must be made no later than June 1 of each

contract year. No insurer which has been granted an exemption under this subsection shall be reinstated during the Atlantic Hurricane Season, which begins June 1 and ends November 30 of each year, so long as its aggregate exposure remains below \$10 million 500,000.

5. The exemptions for minimal exposure permitted by Section 215.555(3), Florida Statutes, shall not be granted by the Board if the aggregate number of anticipated exemptions adversely affects the actuarial soundness of the Fund. A decision as to adverse actuarial effect will be made by the Board annually in consultation with the Board's actuarial consultant. To determine whether an exemption adversely affects the actuarial soundness of the Fund, the Board shall take into consideration the following factors: the number of insurers participating in the Fund; the number of insurers which have requested or are requesting exemption from the Fund on the basis of limited exposure; whether the impact of excluding insurers with less than \$10 million 500,000 in exposure will significantly affect premium revenue; the currently available liquid assets of the Fund; the amount and maturity of any outstanding debt; the history of payment of reimbursement premium to the Fund; the history of payment of reimbursable losses by the Fund; the history of payment of assessments under Section 215.555(6), Florida Statutes; the meteorological and actuarial likelihood that the Fund will have to pay loss reimbursements during the current contract year; and the current market condition of the property insurance industry in Florida.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2)(c),(3),(4),(5) FS. History—New 2-17-97, Amended 6-2-02, 5-13-03, 5-19-04,_____.

19-8.013 Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes.

(1) Purpose. This rule establishes the Board's policy regarding the issuance of revenue bonds pursuant to Section 215.555(6), Florida Statutes. The rule provides definitions; interprets certain terms in Section 215.555, Florida Statutes; establishes factors for determining when to issue revenue bonds, the amount of any such revenue bonds, and the source for repayment of any such revenue bonds; and establishes procedures for levying Emergency Assessments pursuant to Section 215.555(6)(b)(a)3., Florida Statutes.

(2) Definitions. The terms defined below will be capitalized in this rule.

(a) Assessable Insurer means Authorized Insurers writing property and casualty business in this state ~~and includes any entity created pursuant to Section 627.351, Florida Statutes and Surplus Lines Insurers regulated under part VIII of Chapter 626, Florida Statutes. Surplus lines insurers are not Assessable Insurers.~~ Reinsurers are not Assessable Insurers.

(b) Assessable Lines are those lines of property and casualty business subject to assessment under Section 215.555(6)(b)(1)(a)3., Florida Statutes, and as more fully described in subsection (5), below.

(c) Authorized Insurer means an insurer as defined in Sections 215.555(2)(c) and 624.09(1), Florida Statutes. For purposes of this rule, Authorized Insurer includes any joint underwriting association or similar entity created pursuant to Section 627.351, Florida Statutes.

(d) Balance of the Fund; ~~and Year End Balance of the Fund, Projected Fund Balance, Projected Balance of the Fund, Projected Year End Fund Balance and Balance of the Fund as of December 31~~ all have the same meaning given to Balance of the Fund as of December 31 in Article V of the Reimbursement Contract adopted by and incorporated into Rule 19-8.010, F.A.C.

(e) Board ~~or SBA~~ means the State Board of Administration of Florida.

(f) Contract Year means the time period that begins June 1 of each calendar year and ends May 31 of the following calendar year.

(g) Corporation means the Florida Hurricane Catastrophe Fund Finance Corporation created by Section 215.555(6)(d)(e), Florida Statutes.

(h) "Covered Event" means a hurricane as defined in Section 215.555(2)(b), Florida Statutes, and in Article V of the Reimbursement Contract adopted and incorporated by reference in Rule 19-8.010, F.A.C.

(i) Covered Policies means an insurance policy covering residential property, as defined in Section 215.555(2)(c), Florida Statutes, and in Article V of the Reimbursement Contract adopted and incorporated by reference in Rule 19-8.010, F.A.C.

(j) Department means the Florida Department of Financial Services, which was created pursuant to Section 20.121, Florida Statutes and which is charged with regulating the Florida insurance market and administering the Florida Insurance Code.

(k) Emergency Assessment means the assessment levied by the Office of Insurance Regulation ~~(as defined below)~~ at the direction of the Board on direct written premiums for all Assessable Lines property and casualty business in this state, pursuant to and subject to the exceptions in Section 215.555(6)(b)(a)3., Florida Statutes, and as more fully described in subsection (5) of this rule.

(l) Fund means the Florida Hurricane Catastrophe Fund.

~~(m)(4)~~ Office of Insurance Regulation means that office within the Department of Financial Services ~~and which was created in Section 20.121(3), Florida Statutes.~~

~~(n)(m)~~ Participating Insurer means an insurer which writes Covered Policies in this state and which has entered into a Reimbursement Contract with the Board, pursuant to Section 215.555(4)(a), Florida Statutes.

~~(o)(n)~~ Reimbursement Contract means the annual contract ~~statutorily required pursuant to Section 215.555 (4)(a), Florida Statutes, annual contract~~ which provides coverage, ~~within the limits described in paragraph (3) below,~~ to Participating Insurers for losses to covered property during a Covered Event.

~~(p)(e)~~ Reimbursement Premium means the premium determined by multiplying each \$1,000 of insured value reported by the Participating Insurer Company in accordance with Section 215.555(5), Florida Statutes, by the rate as derived from the premium formula as described in Rule 19-8.028, F.A.C.

(3) Limitations on the Fund's Liability. The ~~Florida Hurricane Catastrophe Fund's (Fund or FHCF)~~ liability under the Reimbursement Contracts for Covered Events in a Contract Year entered into, pursuant to Section 215.555(4)(a), Florida Statutes, with Participating Insurers writing Covered Policies, is limited to the lesser of (a) the amount determined pursuant to Section 215.555 (4)(c)1., Florida Statutes, or (b) the Balance of the Fund for the Contract Year in which the Covered Events have occurred, any reinsurance purchased by the Fund FHCF, plus the amount the Board has raised through the issuance of revenue bonds for losses from Covered Events in the Contract Year and the additional amount the Board determines it or is able to raise through the issuance of revenue bonds for losses from Covered Events in the Contract Year pursuant to the provisions of Section 215.555(6), Florida Statutes.

~~(a) The Board notes the requirement in Section 215.555(4)(e)2., Florida Statutes to publish estimates of the Fund's anticipated borrowing capacity in May and October of each year and states that, although the Board will in good faith attempt to sell revenue bonds up to the amounts estimated, the Fund's liability is nevertheless limited to the Balance of the Fund as of December 31, any reinsurance purchased by the FHCF and the amount which the Board is able to raise through the issuance of revenue bonds, not the amount which the Board estimates it is able to raise through such issuance. Therefore, the Board's obligations to Participating Insurers for Covered Events in any one Contract Year are limited to the Balance of the Fund as of December 31, any reinsurance purchased by the FHCF, plus the amount the Board is able to raise through the issuance of revenue bonds, making good faith efforts to sell revenue bonds following a Covered Event.~~

~~(b) Regardless of its assets, ability to raise funds or the amount of covered losses, the obligation of the Fund with respect to all Reimbursement Contracts covering a particular Contract Year shall not exceed the limits set forth in Section 215.555(4)(c)1., Florida Statutes.~~

(4) Determinations Regarding Bond Issuance.

(a) No change.

(b) Quality of Bonds to be Issued. The Board finds that in order to fulfill its fiduciary responsibilities to maintain and enhance the on-going viability and credibility of the Fund and to operate in the most cost-efficient manner, all revenue bonds

issued to pay reimbursable losses shall be investment grade bonds, except to the extent that revenue bonds other than investment grade are needed to pay a small amount of legitimate but unexpected reimbursable losses. Upon the occurrence of such an exception, any revenue bonds issued will be issued only after a determination by the Board that the issuance of such bonds is ~~are~~ fiscally responsible, in light of the Board's fiduciary responsibilities ~~under the Reimbursement Contracts entered into with Participating Insurers pursuant to Section 215.555(4), Florida Statutes.~~

~~(c) Emergency Assessments Moneys in the Fund are Insufficient.~~

1. If the Board determines that the amount of revenue produced under Section 215.555(5), Florida Statutes, is insufficient to fund the obligations, costs, and expenses of the Fund and the Corporation, including repayment of revenue bonds and that portion of debt service coverage not met by Reimbursement Premiums, and the Balance of the Fund is likely to be exhausted, the Board shall direct the Office of Insurance Regulation to levy an Emergency Assessment on direct written premiums for all Assessable Lines each insurer writing property and casualty business in this state. The Balance of the Fund "is likely to be exhausted" if the Board reasonably determines, based on the data and information available at the time of the determination, that loss reimbursements to Participating Insurers will exceed 95% of the Balance of the Fund as of December 31 of the Contract Year. The Board shall consider the following factors in its In making this determination, the Board may consider of: the likelihood of exceeding 95% of the projected Balance of the Fund, as of December 31; anticipated additional Fund revenues; the meteorological severity and of the Covered Event; the geographical area impacted by each the Covered Event; estimates of losses from the insurance industry, from individual insurers, from federal, state, and local emergency response entities, from loss reports submitted to the Board by Participating Insurers, from reviews of loss reports by the Fund's Administrator, and from information provided by modeling companies; from claims development patterns derived from known historical events; from an analysis of market shares of Participating Insurers in the impacted area; and any other credible sources of loss information; and any other information determined by the Board to be relevant.

2. Except as required by Section 215.555(7)(c), Florida Statutes, or as described in the following sentence, Reimbursement Premiums, together with earnings thereon, received in a given Contract Year will be used only to pay for losses attributable to Covered Events occurring in that Contract Year or for losses attributable to Covered Events in subsequent Contract Years and will not be used to pay for past losses or for debt service on revenue bonds. Pursuant to Section 215.555(6)(a)1., Florida Statutes, Reimbursement Premiums, or earnings thereon, may be used for payments relating to

revenue bonds in the event Emergency Assessments are insufficient. If Reimbursement Premiums are used for debt service, then the amount of the Reimbursement Premiums so used shall be returned, without interest, to the Fund when Emergency Assessments remain available after making payments relating to the revenue bonds and any other purposes for which Emergency Assessments were levied.

~~If Reimbursement Premiums received under Section 215.555(5), Florida Statutes, or earnings on such premiums are used to pay debt service on revenue bonds, such premiums and earnings shall be used only after the use of the monies derived from Emergency Assessments. If a Covered Event occurs which exhausts the Balance of the Fund as of December 31 of the Contract Year in which the Covered Event occurs and if Emergency Assessments are levied to provide revenues to pay debt service on revenue bonds issued to pay reimbursable losses related to such Covered Event, then Reimbursement Premiums collected in Contract Years following the Contract Year in which the Covered Event occurred are expected to be used to pay debt service only if the amounts raised through Emergency Assessments are not sufficient to make the required debt service payments on the revenue bonds issued for the Covered Event. If Reimbursement Premiums are used for debt service in the event of a temporary shortfall in the collection of Emergency Assessments, then the amount of the Reimbursement Premiums so used shall be returned, without interest, to the Fund when Emergency Assessments are received.~~

(d) Specific Procedures Regarding Issuance of Bonds on a Pre-Event Basis. ~~Pursuant to Section 215.555(6)(a), Florida Statutes, the Board is authorized to enter into contracts for the issuance of revenue bonds in the absence of a Covered Event “upon a determination that such action would maximize the ability of the fund to meet future obligations.”~~ In making a determination to authorize the issuance of revenue bonds on a Pre-event basis (“in the absence of a hurricane”), pursuant to Section 215.555(6)(a), Florida Statutes, the Board shall consider the following factors: the ~~p~~Projected Fund Balance; reserves for mitigation appropriations; estimated amounts needed for administration of the Fund FHCF; projected amounts of future Reimbursement Premiums; projected amounts of earnings on collected Reimbursement Premiums; the projected frequency and magnitude of future Covered Events; current and projected interest rates on revenue bonds; current and projected market conditions for the sale of revenue bonds; projected credit ratings for the Fund and for revenue bonds issued on behalf of the Fund; current and projected availability of bond insurance or other credit enhancement for revenue bonds; the costs of issuance of revenue bonds; the debt service requirements of the revenue bonds; the estimated value, both monetary and non-monetary, of the issuance of Pre-event bonds on the costs of Post-event bonds in terms of benchmark pricing, secondary market trading, investor education, being a first-time issuer Post-event, confidence of insurers and

reinsurers in the Fund’s ability to issue revenue bonds Post-event, market education, and document preparation; and any other factors relevant to the determination at the time such determination is made.

(e) Specific Procedures for Issuance of Revenue Bonds on a Post-Covered Event Basis. ~~Upon The Board will take the following steps upon~~ the occurrence of a Covered Event for which the Board determines that moneys in the Fund are or will be insufficient the Balance of the Fund is likely to be exhausted to pay reimbursement at the levels promised in the Reimbursement Contracts reimbursable losses:-

1. ~~The~~ Upon the occurrence of a Covered Event, the Board will determine, pursuant to Section 215.555, Florida Statutes, and all rules adopted thereunder, the projected reimbursable losses of Participating Insurers. ~~The Board will then determine, based on the then Projected Balance of the Fund,~~ whether or not the Fund has or will have sufficient funds ~~on hand~~ to reimburse Participating Insurers for their reimbursable losses. ~~and~~ If the Board determines that the funds on hand are or will be insufficient, then the Board will estimate the total reimbursable losses payable by the Fund. The Board will then determine the estimated shortfall which shall be covered by the issuance of revenue bonds or through incurrence of other indebtedness, as appropriate.

2. Based on the amount of the shortfall determined in accordance with subparagraph 1., above, the Board will determine the percentage of direct premium written for Assessable Lines (~~see subsection (5), below~~), if any, which may be necessary ~~to service the outstanding revenue bonds.~~ The Emergency Assessment assessment percentage will be determined as follows:

a. ~~The Board will review the incurred losses and projected losses from the Covered Event, taking into account the Covered Event’s size, intensity, forward speed, area of impact, and any other factors applicable to that specific Covered Event.~~

~~a.b.~~ The Board will review ~~all~~ available information, ~~both~~ from the Office of Insurance Regulation, the Florida Surplus Lines Service Office and ~~from~~ the National Association of Insurance Commissioners, regarding direct premiums written for Assessable Lines in Florida, reportable pursuant to Section 624.424, Florida Statutes or pursuant to part VIII of Chapter 626, Florida Statutes.

~~b.e.~~ The Board will review and assess existing market conditions regarding the issuance and sale of bonds or the incurrence of other indebtedness to determine the amount of revenues which will be required to pay debt service on any bonds debt issued or other indebtedness incurred.

~~c.d.~~ Based on the specific information described above and on any other information determined by the Board to be relevant applicable and pertinent to the specific Covered Event and ~~the then current market conditions,~~ the Board will determine the Emergency Assessment assessment percentage necessary to fund the obligations, costs, and expenses of the

~~Fund and the Corporation including repayment of revenue bonds and that portion of the debt service coverage not met by Reimbursement Premiums, and shall adopt pay debt service.~~

~~3. After the assessment percentage has been determined, the Trustees of the Board will consider formal approval of the assessment percentage at a meeting of the Trustees. After approval of the assessment percentage, the Trustees will, at the same meeting, consider formal approval of a resolution directing the Office of Insurance Regulation to levy the Emergency Assessment assessment on all Assessable Insurers for all Assessable Lines.~~

3. The Board may adopt subsequent resolutions directing the Office of Insurance Regulation to adjust the level of Emergency Assessments based on factors which may include, but are not limited to, changes in the amount needed for the payment of debt service and changes in the level of anticipated receipts from the Emergency Assessments.

~~4. As soon as possible after the meeting at which the Trustees have approved the assessment percentage and directed the Office of Insurance Regulation to levy the assessment, the Executive Director of the Board will provide written instructions to the Office of Insurance Regulation of all pertinent details regarding the Emergency Assessment, including the name and address of the Master Trustee or Custodian designated to receive the Emergency Assessment payments.~~

(5) Procedures regarding Levying Emergency Assessments Pursuant to Section 215.555(6)(b)(a)3., Florida Statutes.

(a) If the Board directs the Office of Insurance Regulation to levy Emergency Assessments, then the Office of Insurance Regulation shall issue Orders to the Florida Surplus Lines Service Office and to each Assessable Insurer levying an Emergency Assessment for the Assessable Lines of business set out in paragraph (c)(e), below.

(b) Pursuant to the Order issued by the Office of Insurance Regulation levying the Emergency Assessment, each Assessable Insurer shall remit pay directly to the entity identified in the Order, by July 1 of each year, an amount equal to the required percentage of its direct written premium for the prior calendar year from all Assessable Lines property and casualty business in this state except for workers' compensation and accident and health. Medical malpractice is an Assessable Line of business but only as to covered events occurring after June 1, 2007. In addition, pursuant to the doctrine of federal pre-emption, policies issued as part of the National Flood Insurance Program are not subject to the Emergency Assessment. The required percentage will be ~~no more than 4 percent for any one Contract Year and no more than 6 percent in the aggregate and will be determined in accordance with Section 215.555(6)(b)(a)3., Florida Statutes,~~

and the procedures set out in subsection (4) of this rule. The lines of business which will be subject to assessment are set out in subsection (e), below:

~~(e) Pursuant to Section 215.555(6), Florida Statutes, the annual Emergency Assessments shall continue until the revenue bonds issued with respect to which the assessment was imposed have been retired, unless adequate provision has been made for the full payment of such bonds pursuant to the documents authorizing the issuance of such revenue bonds.~~

~~(d) Pursuant to Section 215.555(6)(a)3., Florida Statutes, an Assessable Insurer shall not in any calendar year be subject to assessments in excess of 4 percent for any one Contract Year and no more than 6 percent in the aggregate, under Section 215.555(6), Florida Statutes, and this rule.~~

~~(c)(e)~~ Lines of Business Subject to Assessment.

1. The lines of business described in subparagraph 2., below, are the lines of business subject to the Emergency Assessment under Section 215.555(6)(b)(1)(a)3., Florida Statutes. For ease of reference, the lines of business are written and listed as they appear on Form 2, Exhibit of Premiums and Losses in the property and casualty annual statement of the National Association of Insurance Commissioners required to be filed by authorized insurers pursuant to Section 624.424, Florida Statutes.

2. Assessable Lines. Note that the numbers below preceding the names of the lines of business do not correspond to the line numbers of the property and casualty annual statement referenced in subparagraph 1., immediately above.

- a. Fire.
- b. Allied Lines.
- c. Multiple Peril Crop.
- d. Farmowners Multiple Peril.
- e. Homeowners Multiple Peril.
- f. Commercial Multiple Peril (non-liability).
- g. Commercial Multiple Peril (liability).
- h. Mortgage Guaranty.
- i. Ocean Marine.
- j. Inland Marine.
- k. Financial Guaranty.

l. Medical Malpractice (Medical Malpractice insurance premiums are not subject to Emergency Assessments attributable to covered events occurring prior to the Contract Year that begins on June 1, 2007).

- m. Earthquake.
- n. Other Liability.
- o. Products Liability.
- p. Private Passenger Auto No-Fault.
- q. Other Private Passenger Auto Liability.
- r. Commercial Auto No-Fault.
- s. Other Commercial Auto Liability.
- t. Private Passenger Auto Physical Damage.
- u. Commercial Auto Physical Damage.

- v. Aircraft (all perils).
- w. Fidelity.
- x. Surety.
- y. Burglary and Theft.
- z. Boiler and Machinery.
- aa. Credit.
- bb. Aggregate Write Ins.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2),(3),(4),(5),(6),(7) FS. History--New 9-18-97, Amended 12-3-98, 9-12-00, 6-1-03, 5-19-04, _____.

19-8.029 Insurer Reporting Requirements.

(1) Purpose. The purpose of this rule is to incorporate and adopt the annual reporting of insured values and the Loss Reporting Forms, to provide the time and place for submission of this required information and to address confidentiality of information provided to the Florida Hurricane Catastrophe Fund (FHCF or Fund).

(2) Definitions. The terms defined below will be capitalized in this rule.

(a) Citizens Property Insurance Corporation or "Citizens" means the entity formed under Section 627.351(6), Florida Statutes, and includes both the High Risk Account (formerly the Florida Windstorm Underwriting Association) and the Personal Lines and Commercial Lines Accounts (formerly the Florida Residential Property and Casualty Joint Underwriting Association).

(b) through (h) No change.

(3) Reporting of Insurer Exposure Data.

(a) No change.

(b) Confidentiality of reports containing insured values under Covered Policies. Section 215.557, Florida Statutes, enacted for the express purpose of protecting trade secret and proprietary information submitted to the FHCF by participating insurers, protects the confidentiality of information of the type submitted in the Data Call (FHCF D1A), examination audit workpapers, examination audit reports, or loss reports (FHCF-L1A, FHCF-L1B) and such information is not subject to the provisions of Section 119.07(1), Florida Statutes or Section 24(a), Article I of the Florida State Constitution.

(c) through (d) No change.

(4)(a) through (f) No change.

(g) For the 2005/2006 Contract Year, the reporting shall be in accordance with the following: Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2005 Data Call," rev. 5/05 and UNICEDE[®]/PX Data Exchange Format, Version 4.0.0." The two forms identified in the immediately preceding sentence are hereby adopted and incorporated by reference. The forms may be obtained from the Fund's Administrator at the address stated in subsection (6) below. A new participant writing covered

policies after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.

(5) Loss Reimbursement Reporting Requirements.

(a) As directed by the Board, after a covered event occurs, insurers shall report all their estimated ultimate net losses (as defined in the Reimbursement Contract, adopted and incorporated into Rule 19-8.010, F.A.C.) for Covered Policies on Form FHCF-L1A, "Florida Hurricane Catastrophe Fund Interim Loss Report," rev. 5/05~~4~~, which is hereby adopted and incorporated by reference. Prompt reporting in the format requested will aid the Board in determining whether to seek additional sources of funds to pay for reimbursable losses. The losses reported on Form FHCF-L1A are expected to result from a good faith effort on the part of the insurer to report as accurately as possible. Preliminary reports will not be binding. Reimbursements by the Fund will be made on the basis of Form FHCF-L1B, adopted below, ~~and on the basis of quarterly adjustments thereafter. After the initial report of losses on Form FHCF-L1A, only insurers expecting to exceed their retentions for covered losses are required to comply with paragraph (b), below.~~

(b) If an insurer expects covered losses to exceed its retention, it shall report its paid and outstanding covered losses for each occurrence as of month-end by the fifteenth of the following month in accordance with the table below:

Submit Form FHCF-L1A Monthly	
For Losses as of	By
06/30/XX	07/15/XX
07/31/XX	08/15/XX
08/31/XX	09/15/XX
09/30/XX	10/15/XX
10/31/XX	11/15/XX
11/30/XX	12/15/XX

<u>For Losses under Covered Events prior to:</u>	<u>File by:</u>
<u>June 30/XXXX</u>	<u>July 15/XXXX, and on the 15th of each month through November</u>
<u>July 31/XXXX</u>	<u>August 15/XXXX, and on the 15th of each month through November</u>
<u>August 31/XXXX</u>	<u>September 15/XXXX, and on the 15th of each month through November</u>
<u>September 30/XXXX</u>	<u>October 15/XXXX and November 15/XXXX</u>
<u>October 31/XXXX</u>	<u>November 15/XXXX</u>

(c) Insurers shall report their ultimate net losses ~~for each occurrence on or before December 31 of the Contract Year during which the covered event occurs and quarterly thereafter on the date the quarter ends~~ on Form FHCF-L1B, "Florida Hurricane Catastrophe Fund Proof of Loss Report," rev. 5/11/05~~4~~, which is hereby adopted and incorporated by reference. To qualify for reimbursement, the Proof of Loss Report must have the original signatures of two executive officers authorized by the Company to sign the report. While a Company may submit a Proof of Loss Report requesting reimbursement at any time following a Loss Occurrence, all Companies shall submit a mandatory Proof of Loss Report for each Loss Occurrence no earlier than December 15 and no later than December 31 of the Contract Year during which the Covered Event(s) occurs using the most current data available, regardless of the amount of Ultimate Net Loss or the amount of loss reimbursements or advances already received. Reports may be faxed only if the Company does not qualify for a reimbursement. Annually, all Companies shall submit a mandatory year-end Proof of Loss Report for each Loss Occurrence, as applicable, using the most current data available. This Proof of Loss Report shall be filed no earlier than December 15 and no later than December 31 of each year and shall continue until the earlier of the expiration of the commutation period or until all claims and losses resulting from the Loss Occurrence are fully discharged including any adjustments to such losses due to salvage or other recoveries. "Commutation" shall mean that period of time which is not less than 36 months or more than 60 months after the end of the Contract Year during which the Loss Occurrence took place.

In reporting losses, deductibles or attachment points shall be applied first to the coverages provided by the FHCF. For the quarterly report due on 3/31, any insurer whose losses reach or exceed 50% of its FHCF retention shall report its losses on Form FHCF-L1B. For the quarterly report due on 6/30, any insurer whose losses reach or exceed 75% of its FHCF retention shall report its losses on Form FHCF-L1B. For the quarterly reports due on 9/30 and thereafter, any insurer which anticipates that its losses will reach 100% or more of its FHCF retention shall report its losses on Form FHCF-L1B until all its losses are paid to its policyholders and the insurer has received reimbursement from the Fund. For purposes of this rule, quarterly Loss Reports shall be those reports submitted at each quarter end date after December 31 of the Contract Year in which the covered event occurs and continuing until all claims and losses resulting from loss occurrences commencing during the Contract Year are fully discharged in accordance with the reporting requirements in this paragraph. "Fully Discharged" means the earlier of the date on which the insurer has paid its policyholders in full or the commutation clause, in Article X of the Reimbursement Contract, adopted in Rule 19-8.010, F.A.C., takes effect.

(d) As a result of reports submitted on Form FHCF-L1B, reimbursements to insurers shall be adjusted in accordance with Section 215.555(4)(d)1., Florida Statutes, which requires the Fund to pay additional amounts to insurers and insurers to return overpayments to the Fund, based on the most recent calculation of losses.

(6) All the forms adopted and incorporated by reference in this rule may be obtained from: Administrator, Florida Hurricane Catastrophe Fund, Paragon Strategic Solutions Inc., 3600 American Boulevard West, Suite 700, Minneapolis, Minnesota 55431.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2),(3),(4),(5),(6),(7),(15) FS. History--New 5-17-99, Amended 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, _____.

19-8.030 Insurer Responsibilities.

(1) No change.

(2) Purpose. The purpose of this rule is to clearly establish certain deadlines and other requirements for insurers required to participate in the Florida Hurricane Catastrophe Fund (Fund or FHCF). It is not the intent or purpose of this rule to address every requirement of Participating Insurers which could result in a referral to the Florida Department of Financial Services.

(3) No change.

(4) Reimbursement Contract.

(a) through (c) No change.

(5) Exposure Reporting Requirements.

(a) Quota Share Primary Insurance. Citizens and Authorized Insurers may enter into Quota Share Primary Insurance Arrangements with respect to the High Risk Account policies. The statute also provides, in Section 627.351(6)(c)2.a.(II), Florida Statutes, that Citizens shall be responsible for the annual reporting of insured values to the FHCF for both Citizens and the Insurer participating with Citizens in the Quota Share Arrangement. Citizens shall report the insured values covered by the Quota Share Primary Insurance Arrangements in the same manner that all other current participants, as described in paragraph (b) below, report their insured values. Please note that both Citizens and the Quota Share Primary Insurer must keep complete and accurate records, including copies of policy declaration pages and supporting claims documents, for the purpose of exposure and loss reimbursement examinations ~~audits~~ by the FHCF.

(b) through (c) No change.

(d) Resubmissions of Data: With one exception noted below, any Insurer which submits a Data Call, Form FHCF-D1A, with incorrect data, incomplete data, or data in the wrong format and is required to resubmit will be given 30 days from the date on the letter from the FHCF notifying the Insurer of the need to resubmit. An extension of 30 days will be granted if the Insurer can show that the need for the additional time is due to circumstances beyond the reasonable control of the participant. Exception: If the Insurer, at the time it receives notice of the need to resubmit, has already been issued a notice

of examinations audits, the usual 30 day time limitation (measured from the date of the letter giving notice of the need to resubmit) does not apply. In this situation, the time period in which the Insurer must resubmit is measured by counting backwards 30 days from the date that the examinations audit is scheduled to begin as reflected on the notice of examinations audit letter. The FHCF needs the information prior to the examinations audit; thus, no extensions can be granted.

(6) Premiums.

(a) through (d) No change.

(7) Examination Audit Requirements. A Company is required to prepare and retain an exam audit file in accordance with the specifications outlined in the Data Call instructions. Such records must be retained until the FHCF has completed its examination audit of a Company's exposure submission and any loss reports applicable to the Data Call Contract Year. The records provided for examination audit must be from the exam audit file as originally prepared unless a subsequent resubmission was sent to the FHCF. ~~Please Note~~ that both Citizens and Insurers participating in Quota Share Primary Insurance Arrangements must keep complete and accurate records, including copies of policy declaration pages and supporting claims documents, for the purpose of exposure and loss reimbursement examinations audit by the FHCF.

(a) Advance Examination Audit Record Requirements: Within 30 days from the date on the letter from the FHCF, Companies are required to provide the FHCF with the records indicated in Form FHCF-AP1, "Advance Preparation Instructions." An extension of 30 days may be granted if the Insurer can show that the need for the additional time is due to circumstances beyond the reasonable control of the participant. This form is hereby adopted and incorporated by reference into this rule.

(b) On-site Examination Audit Record Requirements: The FHCF-AP1, "Advance Preparation Instructions" form contains a list of the information that the Companies must have available, on-site, on the date the examination audit is to begin. These records must be made available to the FHCF examiner auditor upon request.

(c) Response to the FHCF Examination Audit Report: Within 30 days from the date of the letter accompanying the examination audit report, a Company must provide a written response to the FHCF. The response must indicate whether the Company agrees with the recommendation of the examination audit report. If the Company disagrees with the examination audit findings, the reason for the disagreement will be outlined in the response and the Company will provide supporting information to support its objection.

(d) Resubmissions as a Result of a Completed Examination Audit: A Company required to resubmit as a result of the examination audit must do so within 30 days of the date on the letter from the FHCF notifying the Company of the

need to resubmit. An extension of 30 days will be granted if the Company can show that the need for additional time is due to circumstances beyond the reasonable control of the Company.

(7)(e) No change.

(8) Loss Reporting. Participating Insurers are required to file the following two types of loss reports at the times prescribed in Rule 19-8.029, F.A.C. Form FHCF-L1A, "Florida Hurricane Catastrophe Fund Interim Loss Report," rev. 5/054 and Form FHCF-L1B, "Florida Hurricane Catastrophe Fund Proof of Loss Report," rev. 5/11/054. Both of these forms are hereby adopted and incorporated by reference into this rule.

(9) Penalties and Additional Charges. The Participating Insurers' responsibilities outlined in this rule are not an exhaustive list and Section 215.555, F.S. and other rules promulgated under that section may outline additional responsibilities or deadlines. The failure by a Participating Insurer to meet any of the deadlines or responsibilities outlined in this rule, Section 215.555, F.S. or any other Rule applicable to the FHCF constitute a violation of the Florida Insurance Code. In the event of a violation, in addition to the consequences outlined below, the FHCF may notify the Office of Insurance Regulation of the violation. The Office of Insurance Regulation may take whatever action it deems appropriate in addressing the violation.

(a) through (b) No change.

(c) Consequences for Failure to meet the requirements contained in the FHCF-AP1, "Advance Preparation Instructions" Advance Audit Preparation Record Requirements or the ~~o~~On-site examination Audit Record Requirements in a timely manner: In addition to other penalties or consequences, the FHCF has the authority, pursuant to Section 215.555(4)(f), F.S., to require that the Insurer pay for the following services under the circumstances outlined below:

1. If an examination audit is delayed, cannot be conducted as scheduled or cannot be completed and the insurer is responsible for such, the Insurer shall be required to reimburse the FHCF for all the usual and customary expenses connected to such delay, cancellation or incompleteness. Such expenses shall include but not be limited to the examiner's auditor's fees, travel expenses, lodging, and food.

2. If the FHCF finds any Insurer's records or other necessary information to be inadequate or inadequately posted, recorded, or maintained, the FHCF may employ experts to reconstruct, rewrite, record, post, or maintain such records or information, at the expense of the Insurer being examined audited.

3. An Insurer required to reimburse the FHCF for costs as outlined in paragraphs 1. and 2. immediately above, will owe interest ~~at the market rate~~ on the amount owed to the FHCF from the date the FHCF pays such expenses until the date payment from the Insurer is received. The applicable interest rate will be the average rate earned by the SBA for the FHCF

for the first five months of the current Contract Year plus 5%. Also, the payment of reimbursements or refunds by the FHCF to any Insurer will be offset by any amounts owed by that Insurer to the FHCF.

(10) No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History--New 5-13-03, Amended, 5-19-04,_____.

19-8.031 Hurricane Mitigation.

Specific Authority 215.555(7) FS. Law Implemented 215.555 FS. History--New 5-13-03, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 2004, Vol. 30, No. 51

STATE BOARD OF ADMINISTRATION

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

PURPOSE AND EFFECT: This rule is promulgated to implement Section 121.4501(14), regarding the Public Employee Optional Retirement Program.

SUMMARY: Proposed amended Rule 19-9.001, F.A.C., adopts revisions to the Investment Policy Statement required by Section 121.4501(14), F.S., and approved by the Trustees of the State Board of Administration on February 1, 2005. The Investment Policy Statement is incorporated by reference in the rule. The dates of approval will no longer be shown in the body of the rule but instead will be shown on the document incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 121.4501(8)(a), 215.52 FS.

LAW IMPLEMENTED: 121.4501(1),(2),(3),(4),(5),(6),(7),(8),(9),(10),(11),(12),(13),(14),(15) FS.

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

TIME AND DATE: 2:00 p.m. - 4:00 p.m., Thursday, March 10, 2005

PLACE: Emerald Coast Room, 6th Floor, 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1199

THE FULL TEXT OF THE PROPOSED RULE IS:

19-9.001 Investment Policy Statement.

The Florida Retirement System Public Employee Optional Retirement Program Investment Policy Statement, as approved by the Trustees of the State Board of Administration, is hereby adopted and incorporated by reference.

Specific Authority 121.4501(8)(a), 215.52 FS. Law Implemented 121.4501(1),(2),(3),(4),(5),(6),(7),(8),(9),(10),(11),(12),(13),(14),(15) FS. History--New 7-29-01, Amended 7-23-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin SigRist, Senior Investment Officer-Defined Contribution Programs, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Medical Consultations by Non-Department Providers RULE NO.: 33-401.601

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a process for handling requests to have inmates examined by non-department medical providers.

SUMMARY: The proposed rule sets forth the circumstances under which requests to have inmates examined by non-department medical providers should be submitted, and describes the process for review and approval of the requests.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09, 945.091 FS.

LAW IMPLEMENTED: 944.09, 945.091 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-401.601 Medical Consultations by Non-Department Providers.

(1) This rule is applicable only to non-department provider consultations that are requested, initiated or scheduled by inmates, attorneys or other inmate representatives. Such medical consultations shall be allowed only under the conditions set forth in this rule.

(2) Requests for non-department provider consultations related to the services being provided to the inmate by the department will not be approved. Consideration shall be limited to those requests for the following purposes:

(a) Evaluations for parole consideration;

(b) Evaluations for court proceedings;

(c) Evaluations associated with an application for benefits or services from another agency or entity such as: workers' compensation, veteran's benefits, or social security benefits; or

(d) Evaluations associated with medical procedures that are not provided by the department, and that do not present current or future operational, security, or financial concerns for the department.

(3) All non-department provider consultation and evaluation costs, including security and transport costs and costs resulting from the evaluation or preparation for the evaluation, shall be made at the expense of the inmate and at no expense whatsoever to the Department of Corrections.

(4) Process for Submission of Requests.

(a) Requests for medical consultations or evaluations by non-department providers shall be submitted to the warden at the institution where the inmate is incarcerated.

(b) If the request involves having the inmate taken to the non-department consultant rather than having the consultation take place at the institution, the requestor shall provide with the request a statement verifying that he has contacted the Sheriff of the county in which the consultation is to occur and, at his expense, arranged with the Sheriff to secure the custody and transportation of the inmate.

(5) Consultations at the Institution.

(a) The warden shall forward the request to the Assistant Secretary for Health Services or his designee for review to determine whether the consultation would be reasonably likely to endanger the life or physical safety of the inmate or another person (for example, the inmate is in suicide observation status, or is assigned to a crisis stabilization unit or transitional care unit).

(b) If the Office of Health Services has no objection to the request, the request shall be approved by that office and forwarded to the warden. The warden shall provide final approval or disapproval based upon whether allowing the consultation would be detrimental to the security or order of the institution.

(c) If the request is approved, the warden shall notify the person making the request of any additional restrictions related to scheduling or security at the institution. The consultant and any persons accompanying the consultant will be subject to a background check and security review the same as any other inmate visitor.

(6) Requests for Consultations outside the Institution.

(a) The Assistant Secretary for Health Services, subsequent to his review for medical issues, shall forward the request to the Assistant Secretary for Institutions to review for security concerns. The Assistant Secretary for Institutions shall forward the results of the medical and security reviews to the Secretary or his designee.

(b) After reaching agreement with the representative of the inmate, the Sheriff should contact the Secretary or his designee to make the necessary transport arrangements. The Secretary or his designee shall confirm that the Sheriff has determined to his satisfaction that the request is valid and the date and place the consultation is to be held. The Sheriff must agree to secure the inmate, keep him in custody at all times, and return him to the institution from which he obtained custody at no expense to the Department of Corrections.

(c) The Secretary or his designee shall have the discretion of determining whether the inmate may be safely released for such purposes after giving due regard to the custody requirements of the inmate. If the Secretary or his designee is satisfied that the inmate meets these requirements, he will authorize the Sheriff to take custody and advise him of the location of the inmate. The Secretary or his designee shall establish the date the inmate is to be returned to the custody of the Department of Corrections and any conditions of the transfer of custody. If the inmate is to be transported out of state, the inmate must sign a waiver of extradition agreeing to the transfer to the other state for the purpose stated and his subsequent return to the Department of Corrections. The warden or Officer-in-Charge of the institution where such inmate is located shall obtain such waiver as a condition of the inmate's release to out-of-state authorities.

(d) The warden or the Officer-in-Charge of the institution having custody of such inmate shall be notified of the authorization to the Sheriff to take custody and the conditions of such authorization.

(e) The warden or the Officer-in-Charge having custody of the inmate shall verify the identity and authority of the agent arriving at the institution to take custody and shall secure a receipt of the temporary transfer of custody.

(f) It shall be the responsibility of the Sheriff at all times to retain custody of the inmate and to return him to the institution from which custody was obtained at the time set by the Secretary. Upon the return of the inmate to the institution a receipt shall be provided to the Sheriff.

(7) A certified true copy of the inmate’s medical record will be available to the outside consultant only when the inmate has completed a department release specifically authorizing the department to release a copy of the medical record to the outside consultant.

(8) Any court orders received directing that a medical consultation take place or directing the department to transport an inmate or allow an inmate to be transported to a medical consultation shall be immediately forwarded to the Office of the General Counsel for review.

Specific Authority 20.315, 944.09, 945.091 FS. Law Implemented 944.09, 945.091 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Patrick H. Brown, M.D.
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 27, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLES:	RULE NOS.:
Definitions	59A-8.002
Licensure Requirements	59A-8.003
Licensure Procedure	59A-8.004
Scope of Services	59A-8.008
Denial, Suspension, Revocation of License and Imposition of Fines	59A-8.0086
Personnel	59A-8.0095
Personnel Policies	59A-8.0185
Acceptance of Patients or Clients	59A-8.020
Clinical Records	59A-8.022
Advance Directives	59A-8.0245

PURPOSE AND EFFECT: The purpose and effect of the proposed rules are to reduce and clarify requirements for the licensing, operation and record keeping of home health agencies. Separate applications for initial, renewal and change of ownership licenses are referenced with less information required for renewal of licenses, replacing the single longer application. Language is added regarding Do Not Resuscitate Orders as required in Section 400.487(7), Florida Statutes.

SUMMARY: The proposed amendment to Rule 59A-8.002, F.A.C., removes the restriction to washing and drying only bed bound patients. The proposed amendments to Rule 59A-8.003, F.A.C., expand the 12 month survey cycle to 9 to 15 months,

the same as the federal survey cycle; remove the requirement to send copies of complaints of accredited home health agencies to accrediting organizations; add language to clarify that a drop off site is merely a staff work station and not a home health agency office; decrease the amount of advance notice required for relocation of home health agency offices and explain emergency relocation; eliminate the requirement for fire safety reports of home health agency offices since patients are not served in these offices; establish a time period for access to records and listings of patients when inspected; require the return of licenses when a license fee check is returned by the financial institution due to insufficient funds and when a license is revoked, suspended or terminated. The proposed amendments to Rule 59A-8.004, F.A.C., notice revised license application forms and an updated affidavit of good moral character due to changes to Chapter 435, Florida Statutes; add the web site address and update the mailing address; and require compliance with screening requirements in Section 400.215(7), F.S., when staffing is provided to nursing homes. The proposed amendments to Rule 59A-8.008, F.A.C., remove the limitation of contracted therapy to independent contractors and clarify that home health agencies must provide at least one service directly. The proposed amendments to Rule 59A-8.0086, F.A.C., add falsification of records and failure to provide at least one service directly to the reasons for administrative action and add a fine for operating without a license. Language is added to Rule 59A-8.0095, F.A.C., to reference the Department of Health rule on biomedical waste and clarify that the responsibilities of the home health aide and certified nursing assistants include performance of assigned activities. Amendments are proposed to Rule 59A-8.0185, F.A.C., reducing the requirements for tuberculin testing as recommended by the Department of Health and adding chiropractors to the health professionals that can provide health statements for staff. Training on HIV and AIDS is updated to comply with Section 381.0035, Florida Statutes, thus only requiring training biennially. An amendment proposed to Rule 59A-8.020, F.A.C., adds that when a patient is accepted for services, agency staff should be able to communicate with the patient, another person designated by the patient, or through technology that translates so that services can be safely provided. The proposed amendment to Rule 59A-8.022, F.A.C., adds the use of rubber stamp signatures by physicians, as permitted by federal policy. The Advance Directives rule at Rule 59A-8.0245, F.A.C., is updated to reference a new version of the patient information document currently in rule and add that home health agencies may honor Do Not Resuscitate Orders as specified in Section 400.487(7), Florida Statutes.

SUMMARY OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared. It is anticipated that costs will be less for home health agencies as a result of the reduction in requirements in these amendments.

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

SPECIFIC AUTHORITY: 400.487(7), 400.497 FS.

LAW IMPLEMENTED: 400.471, 400.484, 400.487, 400.497, 400.512 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: Anne Menard, Home Care Unit, Bureau of Health Facility Regulation, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308, e-mail: menarda@fdhc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-8.002 Definitions.

(1) through (2) No change.

(3) "Assistance with activities of daily living" means a certified nursing assistant or a home health aide provides to the patient individual assistance with activities of daily living, including the following:

(a) Ambulation. Providing physical support to enable the patient to move about within or outside of the patient's place of residence. Physical support includes holding the patient's hand, elbow, under the arm, or holding on to a support belt worn by the patient to assist in providing stability or direction while the patient ambulates.

(b) Bathing. Helping the patient in and out of the bathtub or shower being available while the patient is bathing. Can also include washing and drying the patient ~~who is bed-bound~~.

(c) Dressing. Helping patients, who require assistance in dressing themselves, put on and remove clothing.

(d) Eating. Helping with feeding patients who require assistance in feeding themselves.

(4) through (18) No change.

Specific Authority 400.497 FS. Law Implemented 400.462, 400.487 FS. History—New 4-19-76, Formerly 10D-68.02, Amended 4-30-86, 8-10-88, 5-30-90, 5-27-92, Formerly 10D-68.002, Amended 10-27-94, 1-17-00, 7-18-01, _____.

59A-8.003 Licensure Requirements.

(1) No change.

(2) An application for renewal of license must be submitted to AHCA at least 90 days prior to the date of expiration of the license, pursuant to Section 400.471(6), F.S. It is the responsibility of the home health agency to submit an application within the specified time frames whether or not they receive separate notification from AHCA of the impending expiration of the license. Home health agencies that apply for renewal of their licenses will be surveyed on a variable survey cycle, pursuant to Section 400.484, F.S., based

on the extent of compliance on previous surveys with these rules and state laws. After two consecutive full surveys, home health agencies that had no class I, class II, or class III deficiencies, as defined in Section 400.484(2)(a)-(c), F.S., as a result of the surveys or a complaint survey, will be surveyed on an unannounced basis no later than every 36 months. Home health agencies that had no class I or class II deficiencies as defined in Section 400.484(2)(a) and (b), F.S., as a result of the previous survey or a complaint survey will be surveyed on an unannounced basis no later than a range of 12 to 36 months. Home health agencies that had a change of ownership since the previous survey, a complaint survey or other survey with a class I or class II deficiency citation, as defined in Section 400.484(2)(a)-(b), F.S., will receive an unannounced survey no later than every 9 to 15 ~~±~~ months. Area offices may do follow up surveys to check on correction of deficiencies at any time on an unannounced basis, prior to the next full survey cycle. An exit conference will be conducted to report the findings and to receive additional information or clarification concerning the survey.

(3) No change.

(4) AHCA will conduct investigations of complaints regarding licensure violations. Complaint investigations will be unannounced. An entrance conference will be conducted to inform the administrator of the nature of the complaint. An exit conference will be conducted to report the findings and to receive additional information or clarification concerning the investigation. ~~For complaints involving accredited home health agencies, a copy of the report will be sent to the appropriate accrediting organization. Patient names will be redacted prior to mailing.~~

(5) through (7) No change.

(8) A licensed home health agency may operate a drop-off site in any county within the geographic service area specified on the license of the main office. A drop-off site may be used for pick-up or drop-off of supplies or records, for agency staff to use to complete paperwork or to communicate with the main office, existing or prospective agency staff, or the agency's existing patients. Prospective patients cannot be contacted and billing cannot be done from this location. The drop-off site is not a home health agency office, but merely a work station for direct care staff in large areas where the distance is too great for staff to drive back frequently to the home health agency office. A drop-off site shall not require a license. No other business shall be conducted at these locations, including housing of records. The agency name cannot appear at the location, unless required by law or by the rental contract, nor can the location appear on agency letterhead or in advertising.

(9) If a change of address is to occur, or if an agency intends to open a satellite office, the home health agency must provide 14 ~~30~~ days advance notice in writing to the AHCA Home Care Unit in Tallahassee and the AHCA area office. The home health agency must submit to the AHCA Home Care

Unit a certificate of occupancy, certificate of use, or evidence that the location is zoned for a home health agency business fire and zoning reports for the new address. Failure to notify AHCA within the time frame will result in a \$500 fine, pursuant to Section 400.474(1), F.S. Emergency relocations must be reported within seven days, with the reason for the relocation documented, to avoid a penalty assessment. An emergency relocation can be due to any of the following situations: 1) an eviction notice; 2) environmental conditions on or near the site which are not conducive to the health and well being of staff and clients, including a fire or flooding; 3) an element near the site which would make the premises harmful or dangerous; 4) circumstances arising from or caused by weather conditions and/or a natural disaster; or 5) a change in property zoning that requires the home health agency to move.

(10) A home health agency has the following responsibility in terms of hours of operation:

(a) The home health agency administrator and director of nursing, or their alternates, must be available to the public for any eight consecutive hours between 7 a.m. and 6 p.m., Monday through Friday of each week, excluding legal and religious holidays. Available to the public means being readily available on the premises or by telecommunications.

(b) When the administrator and the director of nursing are not on the premises during designated business hours, a staff person must be available to answer the phone and the door and must be able to contact the administrator and the director of nursing by telecommunications. This individual can be a clerical staff person.

(c) If an AHCA surveyor arrives on the premises to conduct an unannounced survey and the administrator, the director of nursing, or a person authorized to give access to patient records, are not available on the premises they, or the designated alternate, must be available on the premises within an hour of the arrival of the surveyor during the course of the survey. A list of current patients must be provided to the surveyor within two hours of arrival if requested.

(d) The home health agency shall have written policies and procedures governing 24 hour availability to licensed professional nursing staff by active patients of the home health agency receiving skilled care. These procedures shall describe an on-call system whereby designated nursing staff will be available to directly communicate with the patient. For agencies which provide only home health aide and homemaker, companion and sitter services and who provide no skilled care, written policies and procedures shall address the availability of a supervisor during hours of patient service.

(e) Failure to be available or to respond, as defined in subsections (a) through (c) above, will result in a \$500 fine, pursuant to Section 400.474(1), F.S. A second incident will be grounds for denial or revocation of the agency license.

(11) No change.

(12) If licensure application fee checks are returned by the financial institution due to insufficient funds, the license is not valid and shall be returned to the AHCA Home Care Unit by the home health agency.

(13) Upon revocation, suspension, voluntary or involuntary termination of a license, the home health agency shall return its license to AHCA. If the provider voluntarily chooses to terminate the license, the provider must notify AHCA by submitting a letter, to the address: AHCA Home Care Unit, 2727 Mahan Drive – Mail Stop 34, Tallahassee, FL 32308, officially declaring the closure date of the home health agency.

Specific Authority 400.497 FS. Law Implemented 400.464, 400.741, 400.497, 400.471, 400.484 FS. History—New 4-19-76, Formerly 10D-68.03, Amended 4-30-86, 8-10-88, 5-30-90, 6-12-91, Formerly 10D-68.003, Amended 10-27-94, 2-1-97, 1-17-00, 7-18-01, _____.

59A-8.004 Licensure Procedure.

(1) An application for licensure, initial, change of ownership, or renewal, shall be made on a form, prescribed by the AHCA; Home Health Agency Application for Initial Licensure, form number, AHCA 3110-1001, Revised December 2004; Application for Renewal of Licensure, form number, AHCA 3110-1011, December 2004; and Application for Change of Ownership, form number AHCA3110-1012, December 2004, all incorporated by reference. These forms ~~The form~~ may be obtained at the AHCA web site, www.fdhc.state.fl.us, in the Home Care Unit pages. If the requestor is unable to obtain the documents from the web site, the forms may be obtained from the AHCA Home Care Unit by contacting (850)414-6010 and sending a check or money order to cover the Agency's costs for the copying and mailing through the Agency for Health Care Administration—Health Facility Regulation, Home Care Unit, 2727 Mahan Drive, Building 1, Room 200, Mail Stop 34, Tallahassee, Florida 32308.

(2) through (4) No change.

(5) For initial applications, including changes of ownership, the applicant must submit proof of financial ability to operate, pursuant to s. 400.471(3), F.S. The compliance is demonstrated by completion of AHCA Form 3110-1013, December 2004, schedules 1 through 7 of the home health agency application, as referenced in subsection (1) above.

(6) An applicant for renewal of licenses shall not be required to provide proof of financial ability to operate, unless the applicant has demonstrated financial inability to operate, as defined in subsection 59A-8.002(16), F.A.C. If an agency has shown signs of financial instability AHCA shall require the applicant for renewal of license to provide proof of financial ability to operate, by submitting schedules 3 through 7 of AHCA Form 3110-1013, December 2004, described in subsection (5) above.

(7) No change.

(8) New employees may work on probationary status, once they have submitted the documents described in subsections (9) or (10) below, including a signed and notarized copy of the Affidavit of Good Moral Character, AHCA 3110-0001, December 2004, pending a determination of compliance with minimum standards set forth in Chapter 435, F.S.

(9) Screening for good moral character for the administrator and the financial officer shall be in accordance with level 2 standards for screening set forth in Section 400.471(4), F.S. The fingerprint card for level 2 screening for the administrator and the financial officer can be obtained from the Agency for Health Care Administration, Home Care Unit, by calling (850)414-6010 or sending a request by fax to (850)922-5374. The completed fingerprint card, and should be submitted with a check or money order to cover the cost of the screening to; the Agency for Health Care Administration, Home Care Unit, 2727 Mahan Drive, ~~Building 1, Room 200,~~ Mail Stop 34, Tallahassee, Florida 32308.

(10) Level 1 Screening for good moral character for all personnel, including contractors, who enter the home shall consist of:

Submission of the Request for Level 1 Criminal History Check, AHCA form 3110-0002, Revised January 2003 ~~June 1998~~, incorporated by reference. The FDLE form can be submitted either through AHCA's Background Screening Unit, directly to FDLE, or through a third party vendor. The address for submission to AHCA's Background Screening Unit is AHCA Background Screening Unit, Mail Stop 40, 2727 Mahan Drive, Tallahassee, FL 32308. The address for submission through FDLE is FDLE, Crime Information Bureau, Post Office Box 1489, Tallahassee, Florida 32302. The form may be obtained at the Agency for Health Care Administration web site, <http://www.fdhc.state.fl.us>, at the Background Screening page through the Agency for Health Care Administration—Health Facility Regulation, Home Care Unit, 2727 Mahan Drive, Building 1, Room 200, Mail Stop 34, Tallahassee, Florida 32308. The cost of processing the screening request must be paid by the home health agency or the employee being screened. The check must accompany the screening request and be made payable to the FDLE or to the home health agency's agent, if one is used for FDLE screening.

(11) No change.

(12) If the home health agency provides staffing to nursing homes, any staff who have not lived in Florida for the past five years must have level 2 screening as required by Section 400.215(7), F.S.

Specific Authority 400.497 FS. Law Implemented 400.471, 400.512 FS. History—New 4-19-76, Formerly 10D-68.04, Amended 4-30-86, 8-10-88, 5-30-90, 6-12-91, 10-6-91, Formerly 10D-68.004, Amended 10-27-94, 2-1-97, 1-17-00, 7-18-01, _____.

59A-8.008 Scope of Services.

(1) No change.

(2) In cases of patients receiving only physical, speech, respiratory or occupational therapy services, or in cases of patients receiving only one or more of these therapy services and home health aide services, case management shall be provided by the licensed therapist, who is a direct employee of the agency or ~~a an independent~~ contractor.

(3) No change.

(4) The agency's application for licensure objectives shall state explicitly what services will be provided directly by agency employees or by contracted personnel, if services are provided by contract. The home health agency shall provide at least one service directly to patients.

(5) through (6) No change.

Specific Authority 400.487, 400.497, 400.509 FS. Law Implemented 400.497 FS. History—New 10-27-94, Formerly 10D-68.08, Amended 4-30-86, 8-10-88, 5-30-90, Formerly 10D-68.008, Amended 10-27-94, 1-17-00, 7-18-01, _____.

59A-8.0086 Denial, Suspension, Revocation of License and Imposition of Fines.

(1) The AHCA shall deny, suspend or revoke an application for license, or impose a fine.

(a) If the applicant fails to submit all information required in the application within 30 days of being notified by AHCA Home Care Unit of the omissions in the application, the application shall be denied ~~within time frames specified in Chapter 120, F.S.~~

(b) No change.

(c) If the applicant fails to provide at least one service directly to patients for a period of six consecutive months and to carry out its responsibilities for the care of patients as described in Section 400.487(5), F.S.

(d) through (e) No change.

(f) If AHCA finds evidence of any falsification of home health agency patient or personnel records, that are attributable to the home health agency's staff and of which the owners, managers or supervisors were aware or should have been aware, AHCA may deny or revoke the license.

(2) through (4) No change.

(5) A fine of \$2,500 shall be assessed against providers determined by AHCA to be operating without a valid license that fail to cease operating until licensed by AHCA as required in Section 400.474, F.S.

Specific Authority 400.497 FS. Law Implemented 120.59, 400.474, 400.484 FS. History—New 10-27-94, Amended 1-17-00, 7-18-01, _____.

59A-8.0095 Personnel.

- (1) No change.
- (2) Director of Nursing.
- (a) No change.

(b) If the administrator is not a physician or registered nurse, the director of nursing shall:

1. Establish service policies and procedures in compliance with subsections 64E-16.001(4),(5), F.A.C., and state health statutes and administrative rules; pursuant to Section 381.0011(4), F.S., which generally conform to recommended Centers for Disease Control (CDC) and Occupational Safety and Health Agency (OSHA) guidelines for safety, universal precautions and infection control procedures;

2. through 4. No change.

(c) through (e) No change.

(3) through (4) No change.

(5) Home Health Aide and Certified Nursing Assistant

(a) through (l) No change.

(m) Responsibilities of the home health aide and CNA shall include:

1. The performance of all personal care activities contained in a written assignment by a licensed health professional employee or contractor of the home health agency and which include assisting the patient or client with personal hygiene, ambulation, eating, dressing, shaving, and physical transfer, and other duties as assigned.

2. through 3. No change.

(n) through (s) No change.

(6) through (12) No change.

Specific Authority 400.497 FS. Law Implemented 400.462, 400.471, 400.487, 400.488, 400.497 FS. History—New 2-1-97, Amended 1-17-00, 7-18-01, _____.

59A-8.0185 Personnel Policies.

(1) No change.

(2) Personnel policies ~~for available to~~ all full and part-time employees shall include the following:

(a) Requirement that, prior to contact with patients the ~~new~~ employee must submit ~~the results of a Mantoux method tuberculin skin test (TST) performed within the last six months, pursuant to Section 381.0011(4), F.S. The employee must also submit~~ a statement from a health care professional licensed under Chapter 458, ~~or 459 or 460~~, F.S., a physician's assistant, or an advanced registered nurse practitioner (ARNP) or a registered nurse licensed under Chapter 464, F.S., under the supervision of a licensed physician, or acting pursuant to an established protocol signed by a licensed physician, based on an exam within the last six months, that the employee is in reasonably reasonable good health and appears to be free from apparent signs or symptoms of a communicable disease including tuberculosis, pursuant to Section 381.0011(4), F.S. does not appear to be at risk of transmitting communicable diseases. It is the responsibility of the agency to ensure that

~~employees staff~~ continue to appear to be in good health and that patients are not placed at risk by employees with positive tuberculin skin test TST (10 or more MM's). If any employee is later found to have, or is suspected of having, a communicable disease, he shall be removed from duties until the administrator determines that such condition no longer exists. Positive test reactors shall submit a statement from health care professional licensed under Chapter 458 or 459, F.S., that the employee does not constitute a risk of communicating tuberculosis. A new employee, who has been an employee of another licensed home health agency, may provide a copy of his health care statement from the files of the former employer provided that the statement was not issued more than 2 years prior and that the employee has not had a break in service of more than 90 days. Upon the specific written request of an individual staff member, copies of the most recent tuberculosis test result and above mentioned health statement may be released by one employer and provided to another employer within 2 years of the initial date of the test results and statement. Medical information is confidential and must not be disclosed without the specific consent of the person to whom it pertains. The written request to release medical information ~~the physical examination~~ must be kept on file.

(b) Requirement that records are maintained of training for non-licensed direct care personnel which demonstrates that they have received a continuing educational course biennially on HIV and AIDS minimum of 2 hours of initial training and 1 hour biennially of in service training in HIV and AIDS, pursuant to Section 381.0035, F.S. ~~The training should include universal precautions and infection control procedures to ensure proper practices are followed.~~

(c) through (e) No change.

(3) The agency shall maintain a file for all employees which shall include name and address of employee, name and address of next of kin or guardian, evidence of qualifications, licensure or registration if applicable, a signed and notarized Affidavit of Good Moral Character, AHCA Form 3110-0001, December 2004, for any newly hired employee working in a probationary status pending the results of the background screening, results of background screening, and dates of employment and separation from the agency. Evidence of continuing education, ~~and in-service training, and the training required in (2), for home health aides~~ shall be on file and this information shall be kept in the personnel files or in a separate filing system maintained for this purpose and shall be available for inspection within three hours of request.

(4) No change.

Specific Authority 400.497 FS. Law Implemented 400.471, 400.497 FS. History—New 10-27-94, Amended 1-17-00, 7-18-01, _____.

59A-8.020 Acceptance of Patients or Clients.

(1) When a home health agency accepts a patient or client for service, there shall be a reasonable expectation that the services can be provided safely to the patient or client in his place of residence. This includes being able to communicate with the patient, or with another person designated by the patient, either through a staff person or interpreter that speaks the same language, or through technology that translates so that the services can be provided. The responsibility of the agency is also to assure that the patient or client receives services as defined in a specific plan of care, for those patients receiving care under a physician's treatment orders, or in a written agreement, as described in subsection (3) below, for clients receiving care without a physician's orders. This responsibility includes assuring the patient receives all assigned visits.

(2) through (4) No change.

Specific Authority 400.497 FS. Law Implemented 400.487 FS. History--New 4-19-76, Formerly 10D-68.20, Amended 4-30-86, 8-10-88, Formerly 10D-68.020, Amended 10-27-94, 1-17-00, 7-18-01, _____.

59A-8.022 Clinical Records.

(1) through (4) No change.

(5) Clinical records must contain the following:

(a) No change.

(b) Physician's verbal orders initiated by the physician prior to start of care and signed by the physician within 30 days after the start of care;

(c) through (l) No change.

(6) No change.

(a) No change.

(b) Alternative Signatures.

1. Home health agencies that maintain patient records by computer rather than hard copy may use electronic signatures. However, all such entries must be appropriately authenticated and dated. Authentication must include signatures, written initials, or computer secure entry by a unique identifier of a primary author who has reviewed and approved the entry. The home health agency must have safeguards to prevent unauthorized access to the records and a process for reconstruction of the records in the event of a system breakdown.

2. Home health agencies may accept a physician's rubber stamp signature. The individual whose signature the stamp represents must place in the administrative offices of the home health agency a signed statement attesting that he/she is the only one who has the stamp and uses it.

Specific Authority 400.497 FS. Law Implemented 400.491, 400.494, 400.497 FS. History--New 4-19-76, Amended 2-2-77, Formerly 10D-68.22, Amended 4-30-86, 8-10-88, Formerly 10D-68.022, Amended 10-27-94, 1-17-00, 7-18-01, _____.

59A-8.0245 Advance Directives.

(1) No change.

(2) The home health agency's policy shall include:

(a) Providing each adult patient, in advance of receiving services, with a copy of "Health Care Advance Directives - The Patients' Right to Decide", as prepared by the Agency for Health Care Administration, ~~2727 Mahan Drive, Tallahassee, FL 32308,~~ revised February, 2004 and available at http://www.fdhc.state.fl.us/MCHO/Health_Facility_Regulation/HC_Advance_Directives ~~December, 1997,~~ which is hereby incorporated by reference, or with a copy of a document drafted by a person or organization other than AHCA which is a written description of Florida's state law regarding advance directives;

(b) Providing each adult patient, in advance of receiving services, with written information concerning the home health agency's policies respecting advance directives; and

(c) The requirement that documentation of whether or not the patient has executed an advance directive shall be contained in the patient's medical record and not kept solely at another location in the agency. If an advanced directive has been executed, a copy of that document shall be made a part of the patient's medical record and a copy shall be kept in the patient's home. If the home health agency does not receive a copy of the advanced directive for a patient, the agency must document that it has requested a copy in the patient's record.

(d) No change.

(3) Pursuant to Section 400.487(7), F.S., a home health agency may honor a DNRO as follows:

(a) Cardiopulmonary resuscitation may be withheld or withdrawn from a patient only if a valid Do Not Resuscitate Order (DNRO) is present, executed pursuant to Section 401.45, F.S.

(b) Home health personnel and agencies shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct for withholding or withdrawing cardiopulmonary resuscitation pursuant to such a Do Not Resuscitate Order (DNRO) and rules adopted by the agency, pursuant to Section 400.487(7), F.S. Any licensed professional home health agency personnel, who, in good faith, obeys the directives of an existing DNRO, executed pursuant to Section 401.45 F.S., will not be subject to prosecution or civil liability for his/her performance regarding patient care.

Specific Authority 400.487, 765.110 FS. Law Implemented 400.487, 400.497, 765.110 FS. History--New 1-11-93, Amended 1-17-00, 7-18-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anne Menard, Home Care Unit, Bureau of Health Facility Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeffrey N. Gregg, Chief, Bureau of Health Facility Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 27, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Acute Care Bed Need
 RULE NO.: 59C-1.038

PURPOSE AND EFFECT: The agency is repealing Rule 59C-1.038, F.A.C., which sets forth Certificate of Need review criteria for acute care beds. Section 6 of Chapter 2004-383, Laws of Florida, revised Chapter 408, F.S., necessitating repeal of the rule.

SUMMARY: Rule 59C-1.038, F.A.C., is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 408.15(8), 408.034(3),(5), 408.039(4)(a) FS.

LAW IMPLEMENTED: 408.034(3), 408.035, 408.036(1)(a), (b),(e),(h), 408.039(4)(a) 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. (EST), March 8, 2005

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.038 Acute Care Bed Need.

Specific Authority 408.15(8), 408.034(3),(5), 408.039(4)(a) FS. Law Implemented 408.034(3), 408.035, 408.036(1)(a),(b),(e),(h), 408.039(4)(a) FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(m), 10-5.038, Amended 8-24-93, 7-1-96, Repealed _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Optometric Services
 RULE NO.: 59G-4.210

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2005. The effect will be to incorporate by reference in the rule the current Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2005.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the revised Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2005. The coverage and limitations handbook revisions include global HIPAA language and modifications in procedure code and claim form combinations due to HIPAA.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of 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.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.9081 FS.

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

TIME AND DATE: 10:00 a.m., March 7, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jason Ottinger, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.210 Optometric Services.

(1) No change.

(2) All optometric practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2005 ~~March 2003~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 ~~and Child~~

~~Health Check-Up 221~~, which is incorporated by reference in Rule 59G-4.0015-020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.9081 FS. History—New 4-13-93, Amended 7-1-93, Formerly 10C-7.069, Amended 12-21-97, 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jason Ottinger

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Aged and Disabled Adult Waiver Services

RULE NO.: 59G-13.030

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Medicaid Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook, March 2004. This handbook includes the provider requirements, covered services, service limitations, procedure codes, and fees for the Florida Medicaid Aged and Disabled Adult Waiver Services Program. The handbook also includes changes required by the Health Insurance Portability and Accountability Act (HIPAA). The effect will be to incorporate by reference in the rule the Florida Medicaid Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook.

In the Notice of Rule Development, we proposed incorporating the Florida Medicaid Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook in Rule 59G-8.610, F.A.C. For administrative purposes, we decided to incorporate the handbooks under new rule Chapter 59G-13, F.A.C., Medicaid Waiver Programs. Rule 59G-8, F.A.C., pertains to Managed Care, so we promulgated a new rule chapter that pertains to Medicaid waiver programs.

SUMMARY: The purpose of this rule is to incorporate by reference the Florida Medicaid Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook, March 2004. The handbook includes provider requirements, covered services, service limitations, procedure codes, and fees.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 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.):

DATE AND TIME: 10:00 a.m., March 7, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carol Schultz, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7349

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.030 Aged and Disabled Adult Waiver Services.

(1) This rule applies to all aged and disabled adult waiver services providers enrolled in the Medicaid program.

(2) All aged and disabled adult waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook, March 2004, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081 which is incorporated by reference in Rule 59G-13.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) The following forms that are included in the Florida Medicaid Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook are incorporated by reference: Appendix B contains the AS Screening for Consideration for Community-Based Programs, CF-AA Form 1022, PDF 08/2004, four pages; Appendix C contains the Florida Department of Children and Families and Florida Department of Elder Affairs, CF-MED 3008, Oct 96, two pages; Appendix D contains the Notification of Level of Care, DOEA-CARES Form 603 (Revised March 2003), one page; Appendix E contains the Notice of Hospice Election Waiver, AHCA Form 5000-29, March 2004, one page, and the Cooperative Agreement for a Hospice and Medicaid Waiver Enrolled Recipient, AHCA Form 5000-30, March 2004, two pages. Appendix B also contains the Department of Elder Affairs Assessment Instrument, DOEA Form 701B, which is incorporated by reference in Rule 58A-1.010, F.A.C. The Department of Children and Families (DCF) forms are available from DCF. The Department of Elder Affairs (DOEA) forms are available from DOEA. The Agency for Health Care Administration (AHCA) forms are available by photocopying the forms in this handbook.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carol Schultz
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 26, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLES: Florida Homeowners' Construction Recovery Fund
RULE NOS.: 61G4-21.001
Definitions 61G4-21.002
Filing Claims 61G4-21.003
Claims Review 61G4-21.004
Payment of Claims 61G4-21.005

PURPOSE AND EFFECT: To provide procedures for processing claims to the Florida Homeowners' Construction Recovery Fund.

SUMMARY: Florida Homeowners' Recovery Fund procedures.

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: 489.108 FS.

LAW IMPLEMENTED: 489.140-.143 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G4-21.001 Florida Homeowners' Construction Recovery Fund Construction Industries Recovery Fund.

The purpose of this rule is to provide procedures for processing claims to the Florida Homeowners' Construction Recovery Fund Construction Industries Recovery Fund.

Specific Authority 489.108 FS. Law Implemented 489.140-.143 FS. History--New 7-11-95, Amended_____.

61G4-21.002 Definitions.

(1) "All reasonable searches and inquiries," as provided in Section 489.141(1)(a)3., F.S., shall mean that exhaustive efforts have been made to determine whether the contractor licensee possesses any property or assets with which to satisfy the underlying civil judgment, order of restitution, or award in arbitration, in whole or in part, and that no such property or assets has been identified or located. Reasonable searches and inquiries shall constitute the following: if applicable: documentation showing that exhaustive efforts have been taken:

(a) To locate the contractor;

(b) To discover if the contractor has assets from which to collect the judgment, including but not limited to accounts and real or personal property and equipment;

(c) To determine whether or not the contractor is insured and if insured, that claimant has filed a claim with the contractor's insurance carrier;

(d) To file a valid lien against the contractor;

(e) To collect against any applicable bond issued with the contractor as the principal; and

(f) To file a garnishment against the contractor.

Such documentation shall include, but is not limited to, proof from the claimant that the claimant has conducted a property records search in the licensee's state(s) county(ies) of residence and principal place of business, and has made inquiries with the Department of Highway Safety and Motor Vehicles, Bureau of Titling and Registration, the Federal Aviation Administration, and the Department of State, Uniform Commercial Code filings section and such other proof as the Construction Industry Licensing Board may from time to time require in particular instances. A claimant shall not be excused from making all reasonable searches and inquires because the contractor has filed for protection under the bankruptcy code.

(2) "Diligent attempt," as provided in Section 489.141(1)(b), F.S., shall have the same meaning as "all reasonable searches and inquiries" in paragraph (1)(a) above.

(3) "Notice," as used in Section 489.141(1), F.S., and for purposes of this rule, means written notice that the claimant is seeking recovery from the Recovery Fund intends to file a claim against the Construction Industries.

(4) No change.

(5) "Recovery Fund" as used in these rules shall mean the Florida Homeowners' Construction Recovery Fund.

(6) "Contractor" as used in these rules shall mean any licensee, operating individually or as a business entity, licensed under Chapter 489, Part I, Florida Statutes, when a claim is filed prior to July 1, 2007, and the contract was executed and the violation occurred on or before January 1, 2005. When the contract was executed and the violation occurred after January 1, 2005, "Contractor" as used in these rules shall mean a Division I contractor performing services described in Section 489.105(3)(a)-(c), Florida Statutes.

(7) “Actual Damages” as used in Section 489.143(2), Florida Statutes, shall mean the general measure of damages for failing to perform a construction contract, which is the difference between the contract price, together with the change orders, and the cost of construction completion by another builder, where the cost of completion is for the same scope of work and materials set out in the original contract.

(8) “Natural Person” as used in Section 489.140, Florida Statutes, shall mean the same as that in Art. I, Sections 2.21, Fla. Const.: female and male alike, and not firms, associations, joint ventures, partnerships, estates, trusts, syndicates, fiduciaries, corporations, or any other groups or combinations.

Specific Authority 489.108 FS. Law Implemented 489.141, 489.143 FS. History—New 7-11-95, Amended 11-13-97, 3-10-03, _____.

61G4-21.003 Filing Claims.

(1) A claim against the ~~Construction Industries Recovery~~ Fund shall be made on Form DPR/CILB/022, “Florida Homeowners’ Construction Recovery Fund Claim Form, Construction Industries Recovery Fund” as provided in Rule 61G4-12.006, F.A.C.

(2) Completed claim forms shall be forwarded to the Board, together with a copy of the complaint that initiated action against the contractor, Claimant shall complete the claim form and forward with documentation attached to the board: a certified copy of the underlying Civil Judgment, order of restitution, or award in arbitration, together with the judgment, or Final Order of the Construction Industry Licensing Board; a copy of any contract between the claimant and the contractor, including change orders; proof of payment to the contractor and/or subcontractors; copies of any liens and releases filed against the property, together with the Notice of Claim and Notice to Owner; copies of applicable bonds, sureties, guarantees, warranties, letters of credit and/or policies of insurance; certified copies of levy and execution documents, and proof of all efforts and inability to collect the judgment or restitution order, and other documentation as may be required by the Board in support of the claim.

(3) Where the final judgment or order of restitution is not expressly based on Section 489.129(1)(g),(j) or (k), Florida Statutes, claimant must present to the board sufficient evidence to show that the contractor engaged in activity that is described in those subsections.

(4) In the event that the contractor filed for protection under the bankruptcy code, claimant must show that a diligent attempt was made to participate in the distribution of assets, if any.

(5) Claims made between October 1, 1998 and July 1, 2004, shall be considered timely if the Construction Industry Licensing Board received a claim form at any time prior to or within one year after the conclusion of any civil, criminal, or administrative action or award in arbitration based on the act which gave rise to the claim.

Specific Authority 489.108 FS. Law Implemented 489.141 FS. History—New 7-11-95, Amended 7-1-96, _____.

61G4-21.004 Claims Review.

(1) No claims will be processed until 45 days after the date indicated on the Civil Judgment or Final Restitution Order, or award in arbitration.

(a) A claim number shall not be assigned until a completed and signed ~~construction industries recovery~~ fund claim form, as incorporated in Rule 61G4-12.006, F.A.C., is received.

(b) Upon receipt of the completed claim form as set out below a “Notice of Claim,” as incorporated in Rule 61G4-12.006, F.A.C. above, notice will be given to the contractor(s) and the licensee determined to be the qualifier(s) of the business entity involved in the contract. Notice shall be given to the mailing address as it appears in the Department records.

(2) No change.

(3) The Board hereby delegates to the Department authority to issue a closing order for any claim when:

(a) The Claimant is licensee who acted as the contractor, qualifying agent or Qualified Business in the transaction which is the subject of the claim;

(b) The claimant is the spouse of the judgment debtor or licensee or a personal representative of such spouse;

(c) The claim is based upon a construction contract in which the licensee was acting with respect to the property owned or controlled by the licensee;

(d) The claim is based upon a construction contract in which the contractor did not hold a valid and current license at the time of the construction contract;

(e) The Claimant was associated in a business relationship with the licensee other than the contract at issue;

(f) The claimant has failed to provide documentation in support of the claims required by rule; or

(g) Where the licensee has reached the aggregate limit. For the purpose of oversight by the Board, the Recovery Fund’s legal staff shall, on a monthly basis, provide the Chairperson, or the Chairperson’s delegate with copies of all closing orders filed in the preceding period.

(4)(3) No change.

(5)(4) The Board shall give notice to the claimant, the contractor and the licensee of the time and place where the committee will review the claim and the Board will take action on the claim. Claim cases will not be set on the committee agenda for review unless all the major elements of the claim are present. These are: a completed and signed claim form, a judgment, judgment or final order of restitution, or award in arbitration, evidence of a Section 489.129(1)(g), (j), or (k), Florida Statutes, violation, all reasonable searches and inquiries a diligent effort at collection, and an asset search where appropriate.

(6) Claims shall be set for review in claim number order.

~~(7)(5)~~ The Board shall either authorize payment of the claim in full or in part, or deny the claim in full ~~or in part~~, by entry of a Final Order in accordance with Section 489.143, F.S. Action by the Board shall be considered final agency action.

~~(8)(6)~~ No change.

~~(9)(7)~~ No change.

Specific Authority 489.108 FS. Law Implemented 489.141, 489.143 FS. History—New 7-11-95, Amended 4-27-99, _____.

61G4-21.005 Payment of Claims.

(1) If the Board authorizes payment of any claim in full or in part, then it shall forward the final agency action with respect to the claim to the Secretary of the Department for payment.

(2) Procedures for disbursements of funds shall not commence until 45 days after the filing of the Final Order of the Board approving payment of any claim from the recovery fund.

(3) No claimant eligible for, or currently receiving, restitution under a civil or criminal restitution order or other repayment plan shall be eligible to recover from the Fund until two or more payments have been missed. Prior to receiving any payments, such a claimant shall provide the Board with a written affirmation of amount received to date under such an order, the date and amount of the last payment, and how much is still due and owing under such an order.

Specific Authority 489.108 FS. Law Implemented 489.141, 489.143 FS. History—New 7-11-95, Amended 4-27-99, 6-19-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim Vaccaro, Executive Director, Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 2005

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Continuing Education for Reactivation
RULE NO.: 61G6-9.001

PURPOSE AND EFFECT: The proposed rule amendment sets forth the number of hours of continuing education and subject matters required for reactivation.

SUMMARY: The proposed rule amendment specifies the specific subject matters and distribution of the twelve classroom hours required annually for licensure 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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 489.507(3), 489.519 FS.

LAW IMPLEMENTED: 489.519 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: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-9.001 Continuing Education for Reactivation.

As a condition to the reactivation of an inactive license, a licensee must submit proof of the completion of twelve (12) classroom hours of continuing education which meets the criteria set forth in Rule 61G6-9.002, F.A.C. for each year of inactive status, not to exceed 48 hours. Of the twelve (12) classroom hours required per year, at least seven (7) hours must be on technical subjects, one (1) hour on workers' compensation, one (1) hour on workplace safety, one (1) hour on business practices and, for alarm system contractors and electrical contractors engaged in alarm system contracting, one (1) hour on false alarm prevention. The continuing education credits needed for reactivation must be completed within the four (4) years preceding reactivation.

Specific Authority 489.507(3), 489.519 FS. Law Implemented 489.519 FS. History—New 1-2-80, Amended 10-13-80, Formerly 21GG-9.01, Amended 12-24-97, 12-27-00, 10-1-03, _____.

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: January 28, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2004

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE TITLE: Need
 RULE NO.: 65A-4.208

PURPOSE AND EFFECT: The proposed rule amendment aligns the definition of “in a setting approved by the department” under Section 414.095(2)(a)4., F.S., with the federal Temporary Assistance for Needy Families (TANF) program requirements for purposes of minor children’s eligibility for temporary cash assistance TCA/TANF benefits and/or services. TANF laws and regulations do not authorize the expenditure of TCA/TANF funds to serve children placed with adult non-relatives unless they are a “minor parent” who has not attained 18 years of age, is not married (never married), and is caring for her dependent child(ren). The minor parent and dependent child must reside in the household of a parent, legal guardian, other adult relative, or in an adult-supervised supportive living arrangement pursuant to 45 CFR 233.107.

SUMMARY: The proposed rule amendment provides that, for the purpose of determining TCA/TANF eligibility, a minor child must reside with a parent(s), or a relative caretaker relative(s) who is within a specified degree of relationship unless a minor unwed parent with a dependent child. An unwed minor parent is required to live with a parent(s), legal guardian(s), other adult caretaker relative(s), or in an adult-supervised supportive living arrangement pursuant to 45 CFR 233.107. The term “in a setting approved by the department” under Section 414.095(2)(a)4., F.S., means a department-approved adult-supervised supportive living arrangement as required for unwed minor children and their dependent children pursuant to 45 CFR 233.107.

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: 414.095(19), 414.45 FS.

LAW IMPLEMENTED: 414.095(2)(a),(b),(5),(15) FS.

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

TIME AND DATE: 10:30 a.m., March 9, 2005

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700, (850)921-0253

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.208 Need.

(1) No change.

(2) For temporary cash assistance (TCA), the following individuals are included in the assistance group:

(a) The minor child for whom assistance is requested, ~~must provided the child~~ meets all non-financial state and federal Temporary Assistance to Needy Families (TANF)/TCA ~~temporary cash assistance~~ eligibility criteria pursuant to Public Law 104-193, section 401(a)(1) and section 408(a)(1)(A)(i), 45 CFR 233.10, 45 CFR 233.90(c)(v)(A), 45 CFR 233.107, and s. 414.095(2) and (15), F.S. The term “in a setting approved by the department” set forth in Section 414.095(2)(a)4., F.S., means a department-approved adult-supervised supportive living arrangement for an unwed minor child and their dependent child(ren) pursuant to 45 CFR 233.107 and Section 414.095(15), F.S.

(b) through (c) No change.

(3)(a) No change.

(b) A 16-18 year old who is not in school and who refuses to participate in the ~~TCA temporary cash assistance~~ employment and training program unless good cause exists for non-participation in the employment and training program or school prescribed in Rule ~~65A-4.2131~~ ~~65A-1.524~~, F.A.C.; ~~dated August 1997.~~

(4) through (9) No change.

Specific Authority 414.095(19), 414.45 FS. Law Implemented 414.095(2)(a),(b),(5),(15) FS. History–New 1-11-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lonna Cichon, Government Operations Consultant II

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Lange

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 18, 2005

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Use of Credit Reports and Credit Scores by Insurers
 RULE NO.: 690-125.005

PURPOSE, EFFECT AND SUMMARY: The proposed rule implements the provisions of Section 626.9741, F.S. created by Senate Bill 40-A, which address compliance; statistical detail standards to ensure that rates or premiums associated with credit reports or scores are not unfairly discriminatory; and standards for review of models, methods, programs, or other processes that produce credit scores to determine that they are not unfairly discriminatory. The rule establishes standards and requirements for the use of credit reports or scores by insurers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 626.9741(8) FS.

LAW IMPLEMENTED: 624.307(2), 626.9741 FS.

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

TIME AND DATE: 10:00 a.m., March 9, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Milnes, Senior Management Analyst/Supervisor, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, e-mail: michael.milnes@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-125.005 Use of Credit Reports and Credit Scores by Insurers.

(1) For the purpose of this rule, the following definitions apply:

(a) "Applicant", for purposes of Section 626.9741, F.S., means an individual whose credit report or score is requested for underwriting or rating purposes relating to personal lines motor vehicle or personal lines residential insurance and shall not include individuals who have merely requested a quote.

(b) "Credit scoring methodology" means any methodology that uses credit reports or credit scores, in whole or in part, for underwriting or rating purposes.

(c) "Data cleansing" means the correction or enhancement of presumed incomplete, incorrect, missing, or improperly formatted information.

(d) "Personal lines motor vehicle" insurance means insurance against loss or damage to any motorized land vehicle or any loss, liability, or expense resulting from or incidental to ownership, maintenance or use of such vehicle if the contract of insurance shows one or more natural persons as named insureds.

1. The following are not included in this definition:

a. Vehicles used as public livery or conveyance;

b. Vehicles rented to others;

c. Vehicles with more than four wheels;

d. Vehicles used primarily for commercial purposes; and

e. Vehicles with a net vehicle weight of more than 5,000 pounds designed or used for the carriage of goods (other than the personal effects of passengers) or drawing a trailer designed or used for the carriage of such goods.

2. The following are specifically included, inter alia, in this definition:

a. Motorcycles;

b. Motor homes;

c. Antique or classic automobiles; and

d. Recreational vehicles.

(e) "Unfairly discriminatory" means that adverse decisions resulting from the use of a credit scoring methodology disproportionately affects persons belonging to any of the classes set forth in Section 626.9741(8)(c), F.S.

(2) Insurers may not use any credit scoring methodology that is unfairly discriminatory. The burden of demonstrating that the credit scoring methodology is not unfairly discriminatory is upon the insurer.

(3) An insurer may not request or use a credit report or credit score in its underwriting or rating method unless it maintains and adheres to established written procedures that reflect the restrictions set forth in the federal Fair Credit Reporting Act, Section 626.9741, F.S., and these rules.

(4) Upon initial use or any change in that use, insurers using credit reports or credit scores for underwriting or rating personal lines residential or personal lines motor vehicle insurance shall include the following information in filings submitted pursuant to Section 627.062 or 627.0651, F.S.

(a) A listing of the types of individuals whose credit reports or scores the company will use or attempt to use to underwrite or rate a given policy. For example:

1. Person signing application;

2. Named insured or spouse; and

3. All listed operators.

(b) How those individual reports or scores will be combined if more than one is used. For example:

1. Average score used;

2. Highest score used.

(c) The name(s) of the consumer reporting agencies or any other third party vendors from which the company will obtain or attempt to obtain credit reports or scores.

(d) Precise identifying information specifying or describing the credit scoring methodology, if any, the company will use including:

1. Common or trade name;

2. Version, subtype, or intended segment of business the system was designed for; and

3. Any other information needed to distinguish a particular credit scoring methodology from other similar ones, whether developed by the company or by a third party vendor.

(e) The effect of particular scores or ranges of scores (or, for companies not using scores, the effect of particular items appearing on a credit report) on any of the following as applicable:

1. Rate or premium charged for a policy of insurance;
2. Placement of an insured or applicant in a rating tier;
3. Placement of an applicant or insured in a company within an affiliated group of insurance companies;
4. Decision to refuse to issue or renew a policy of insurance or to issue a policy with exclusions or restrictions or limitations in payment plans.

(f) The effect of the absence or insufficiency of credit history (as referenced in Section 626.9741(4)(c)1., F.S.) on any items listed in paragraph (e) above.

(g) The manner in which collection accounts identified with a medical industry code (as referenced in Section 626.9741(4)(c)2., F.S.) on a consumer's credit report will be treated in the underwriting or rating process or within any credit scoring methodology used.

(h) The manner in which collection accounts that are not identified with a medical industry code, but which an applicant or insured demonstrates are the direct result of significant and extraordinary medical expenses, will be treated in the underwriting or rating process or within any credit scoring methodology used.

(i) The manner in which the following will be treated in the underwriting or rating process, or within any credit scoring methodology used:

1. Credit inquiries not initiated by the consumer;
2. Requests by the consumer for the consumer's own credit information;
3. Multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry or the home mortgage industry and made within 30 days of one another;
4. Multiple lender inquiries that are not coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry or the home mortgage industry and made within 30 days of one another, but that an applicant or insured demonstrates are the direct result of such inquiries;

5. Inquiries relating to insurance coverage, if so identified on a consumer's credit report; and

6. Inquiries relating to insurance coverage that are not so identified on a consumer's credit report, but which an applicant or insured demonstrates are the direct result of such inquiries.

(j) The list of all clear and specific primary reasons that may be cited to the consumer as the basis or explanation for an adverse decision under Section 626.9741(3), F.S. and the criteria determining when each of those reasons will be so cited.

(k) A description of the process that the insurer will use to correct any error in premium charged the insured, or in underwriting decision made concerning the insured, if the basis of the premium charged or the decision made is a disputed item that is later removed from the credit report or corrected, provided that the insured first notifies the insurer that the item has been removed or corrected.

(l) A certification that no use of credit reports or scores in rating insurance will apply to any component of a rate or premium attributed to hurricane coverage for residential properties as separately identified in accordance with Section 627.0629, F.S.

(5) Insurers desiring to make adverse decisions for personal lines motor vehicle policies or personal lines residential policies based on the absence or insufficiency of credit history shall either:

(a) Treat such consumers or applicants as otherwise approved by the Office of Insurance Regulation if the insurer presents information that such an absence or inability is related to the risk for the insurer and does not result in a disparate impact on persons belonging to any of the classes set forth in Section 626.9741(8)(c), F.S. This information will be held as confidential if properly so identified by the insurer and eligible under Section 626.9711, F.S. The information shall include:

1. Data comparing experience for each category of those with absent or insufficient credit history to each category of insureds separately treated with respect to credit and having sufficient credit history;

2. A statistically credible method of analysis that concludes that the relationship between absence or insufficiency and the risk assumed is not due to chance;

3. A statistically credible method of analysis that concludes that absence or insufficiency of credit history does not disparately impact persons belonging to any of the classes set forth in Section 626.9741(8)(c), F.S.;

4. A statistically credible method of analysis that confirms that the treatment proposed by the insurer is quantitatively appropriate; and

5. Statistical tests establishing that the treatment proposed by the insurer is warranted for the total of all consumers with absence or insufficiency of credit history and for at least two subsets of such consumers;

(b) Treat such consumers as if the applicant or insured had neutral credit information, as defined by the insurer. Should an insurer fail to specify a definition, neutral is defined as the average score that a stratified random sample of consumers or applicants having sufficient credit history would attain using the insurer's credit scoring methodology; or

(c) Exclude credit as a factor and use other criteria. These other criteria must be specified by the insurer and must not result in average treatment for the totality of consumers with an

absence of or insufficiency of credit history any less favorable than the treatment of average consumers or applicants having sufficient credit history.

(6) Insurers desiring to make adverse decisions for personal lines motor vehicle or personal lines residential insurance based on information contained in a credit report or score shall file with the Office information establishing that the results of such decisions do not correlate so closely with the zip code of residence of the insured as to constitute a decision based on place of residence of the insured in violation of Section 626.9741(4)(c)3., F.S.

(7)(a) Insurers using credit reports or credit scores for underwriting or rating personal lines residential or personal lines motor vehicle insurance shall develop, maintain, and adhere to written procedures consistent with Section 626.9741(4)(e), F.S. providing appeals for applicants or insureds whose credit reports or scores are unduly influenced by dissolution of marriage, death of a spouse, or temporary loss of employment.

(b) These procedures shall be subject to examination by the Office at any time.

(8)(a)1. Insurers using credit reports or credit scoring in rating personal lines motor vehicle or personal lines residential insurance shall develop, maintain, and adhere to written procedures to review the credit history of an insured who was adversely affected by such use at initial rating of the policy or subsequent renewal thereof.

2. These procedures shall be subject to examination by the Office at any time.

3. The procedures shall comply with the following:

a. A review shall be conducted:

(I) No later than 2 years following the date of any adverse decision, or

(II) Any time, at the request of the insured, but no more than once per policy period without insurer assent.

b. The insurer shall notify the named insureds annually of their right to request the review in (II) above. Renewal notices issued 120 days or less after the effective date of this rule are not included in this requirement.

c. The insurer shall adjust the premium to reflect any improvement in credit history no later than the first renewal date that follows a review of credit history. The renewal premium shall be subject to other rating factors lawfully used by the insurer.

d. The review shall not be used by the insurer to cancel, refuse to renew, or require a change in the method of payment or payment plan based on credit history.

(b)1. As an alternative to the requirements in paragraph (8)(a), insurers using credit reports or scores at the inception of a policy but not for re-underwriting shall develop, maintain, and adhere to written procedures.

2. These procedures shall be subject to examination by the Office at any time.

3. The procedures shall comply with the following:

a. Insureds shall be reevaluated no later than 3 years following policy inception based on allowable underwriting or rating factors, excluding credit information.

b. The rate or premium charged to an insured shall not be greater, solely as a result of the reevaluation, than the rate or premium charged for the immediately preceding policy term. This shall not be construed to prohibit an insurer from applying regular underwriting criteria (which may result in a greater premium) or general rate increases to the premium charged.

c. For insureds that received an adverse decision notification at policy inception, no residual effects of that adverse decision shall survive the reevaluation. This means that the reevaluation must be complete enough to make it possible for insureds adversely impacted at inception to attain the lowest available rate for which comparable insureds are eligible, considering only allowable underwriting or rating factors (excluding credit information) at the time of the reevaluation.

(9) No credit scoring methodology shall be used for personal lines motor vehicle or personal lines residential property insurance unless that methodology has been demonstrated to be a valid predictor of the insurance risk to be assumed by an insurer for the applicable type of insurance. The demonstration of validity detailed below need only be provided with the first rate, rule, or underwriting guidelines filing following the effective date of this rule and at any time a change is made in the credit scoring methodology. Other such filings may instead refer to the most recent prior filing containing a demonstration. Information supplied in the context of a demonstration of validity will be held as confidential if properly so identified by the insurer and eligible under Section 626.9711, F.S. A demonstration of validity shall include:

(a) A listing of the persons that contributed substantially to the development of the most current version of the method, including resumes of the persons, if obtainable, indicating their qualifications and experience in similar endeavors.

(b) An enumeration of all data cleansing techniques that have been used in the development of the method, which shall include:

1. The nature of each technique;

2. Any biases the technique might introduce; and

3. The prevalence of each type of invalid information prior to correction or enhancement.

(c) All data input that was used by the model developers in the derivation and calibration of the model parameters.

1. Data shall be in sufficient detail to permit the Office to conduct multiple regression testing for validation of the credit scoring methodology.

2. Data, including field definitions, shall be supplied in electronic format compatible with the software used by the Office.

(d) Statistical results showing that the model and parameters are predictive and not overlapping or duplicative of any other variables used to rate an applicant to such a degree as to render their combined use actuarially unsound. Such results shall include the period of time for which each element from a credit report is used.

(e) A precise listing of all elements from a credit report that are used in scoring, and the formula used to compute the score, including the time period during which each element is used. Such listing is confidential if properly so identified by the insurer.

(f) An assessment by a qualified actuary, economist, or statistician (whether or not employed by the insurer) other than persons who contributed substantially to the development of the credit scoring methodology, concluding that there is a significant statistical correlation between the scores and frequency or severity of claims. The assessment shall:

1. Identify the person performing the assessment and show his or her educational and professional experience qualifications; and

2. Include a test of robustness of the model, showing that it performs well on a credible validation data set. The validation data set may not be the one from which the model was developed.

(g) Documentation consisting of statistical testing of the application of the credit scoring model to determine whether it results in a disproportionate impact on the classes set forth in Section 626.9741(8)(c), F.S. A model that disproportionately affects any such class of persons is presumed to have a disparate impact and is presumed to be unfairly discriminatory.

1. Statistical analysis shall be performed on the current insureds of the insurer using the proposed credit scoring model, and shall include the raw data and detailed results on each classification set forth in Section 626.9741(8)(c), F.S. In lieu of such analysis insurers may use the alternative in subparagraph 2. below.

2. Alternatively, insurers may submit statistical studies and analyses that have been performed by educational institutions, independent professional associations, or other reputable entities recognized in the field, that indicate that there is no disproportionate impact on any of the classes set forth in Section 626.9741(8)(c), F.S. attributable to the use of credit reports or scores. Any such studies or analyses shall have been done concerning the specific credit scoring model proposed by the insurer.

3. The Office will utilize generally accepted statistical analysis principles in reviewing studies submitted which support the insurer's analysis that the credit scoring model does not disproportionately impact any class based upon race, color, religion, marital status, age, gender, income, national origin, or place of residence. The Office will permit reliance on such studies only to the extent that they permit independent verification of the results.

(h) The testing or validation results obtained in the course of the assessment in paragraphs (d) and (f) above.

(i) Internal Insurer data that validates the premium differentials proposed based on the scores or ranges of scores.

1. Industry or countrywide data may be used to the extent that the Florida insurer data lacks credibility based upon generally accepted actuarial standards. Insurers using industry or countrywide data for validation shall supply Florida insurer data and demonstrate that generally accepted actuarial standards would allow reliance on each set of data to the extent the insurer has done so.

2. Validation data including claims on personal lines residential insurance policies that are the result of acts of God shall not be used unless such acts occurred prior to January 1, 2004.

3. The mere copying of another company's system will not fulfill the requirement to validate proposed premium differentials unless the filer has used a method or system for less than 3 years and demonstrates that it is not cost effective to retrospectively analyze its own data. Companies under common ownership, management, and control may copy to fulfill the requirement to validate proposed premium differentials if they demonstrate that the characteristics of the business to be written by the affiliate doing the copying are sufficiently similar to the affiliate being copied to presume common differentials will be accurate.

(j) The credibility standards and any judgmental adjustments, including limitations on effects, that have been used in the process of deriving premium differentials proposed and validated in paragraph (i) above.

(k) An explanation of how the credit scoring methodology treats discrepancies in the information that could have been obtained from different consumer reporting agencies: Equifax, Experian, or TransUnion. This shall not be construed to require insurers to obtain multiple reports for each insured or applicant.

(l)1. The date that each of the analyses, tests, and validations required in paragraphs (d) through (j) above was most recently performed, and a certification that the results continue to be applicable.

2. Any item not reviewed in the previous 5 years is unacceptable.

Specific Authority 624.308(1), 626.9741(8) FS. Law Implemented 624.307(1), 626.9741 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Milnes, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2003 and February 27, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Workers' Compensation Insurer Reporting of Significant Underwriting Changes

RULE NO.: 690-189.015

PURPOSE, EFFECT AND SUMMARY: To administer the requirements of Section 624.4315, Florida Statutes, which requires workers' compensation insurers to notify the Office of Insurance Regulation of significant underwriting changes. The rule provides for definitions and sets forth what criteria for determining actions constitute a significant underwriting change and prescribes the contents of the notice submitted to the Office.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 624.4315 FS.

LAW IMPLEMENTED: 624.4315 FS.

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

TIME AND DATE: 10:00 a.m., March 8, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Watford, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, e-mail: jim.watford@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-189.015 Workers' Compensation Insurer Reporting of Significant Underwriting Changes.

(1) Purpose: To administer the requirements of Section 624.4315, F.S.

(2) Definitions:

(a) "Insurer Group" means two or more affiliated insurers that are under common ownership and/or management.

(b) "Underwriting" is defined as the insurer selection of policyholders through hazard recognition and evaluation.

(c) "Underwriting Change" is any deliberately planned change in insurer administrative policies or procedures that will affect the insurer's acceptance or rejection of applicants for workers' compensation coverage, the insurer's acceptance or rejection of renewal policies or results in the mid-term cancellation of policies in Florida. An insurer that transfers policyholders to another insurer in the "Insurer Group", with no lapse in coverage occurring for the policyholder, has not made an "Underwriting Change" for purposes of this rule.

(d) "Significant Underwriting Change that materially limits or restricts the number of workers' compensation policies or premiums written in Florida" means an Underwriting Change that results in any of the following:

1. Will reduce the number of in-force policies for the "Insurer Group" by at least 500 policies over the 12 months following the change.

2. Will reduce the number of in-force policies of the "Insurer Group" by at least 100 and will reduce the number of in-force policies of the "Insurer Group" at the end of the previous calendar year by more than 25% over the 12 months following the change.

3. Will reduce the direct premiums written by at least \$2 million and the direct written premiums for the "Insurer Group" for the 12 months following the change will be reduced by more than 30% of the prior calendar year excluding the impact of rate changes and payroll changes.

4. Will result in the complete elimination of all workers' compensation policies in Florida for any insurer.

(3) Any insurer authorized to transact workers' compensation insurance in Florida shall notify the Office within 30 days of implementing any Significant Underwriting Change that will materially limit or restrict the number of workers' compensation policies or premiums written in Florida. The notification shall include the following:

(a) Name of Insurer or Insurers.

(b) Reason for the Significant Underwriting Change.

(c) A detailed description of the change and the expected impact.

(d) Anticipated number of policies that will be impacted by change.

(e) Anticipated percentage of policies in force that will be impacted by change.

(f) Estimated written premium impacted by change.

(g) Estimated written premium impacted by change as a percent of total written premium for the 12 months following the change excluding the impact of rate changes or payroll changes.

(h) Does change affect some classes more than others? Yes or No. If answer is Yes, describe the affected classes.

(i) Date that insurer will begin implementing change.

(j) Effective dates of policies that will be affected by change.

(k) How long will it take for the change to be fully implemented?

(4) In order to monitor changes, each insurer shall report to the Office annually, the following information for the preceding calendar year, to be received by the Office no later than June 1st.

(a) Number of policies in-force as of December 31st.

(b) Calendar year direct written premium as reported on the Florida State Page (Statutory Page 14) of the Annual Statement.

(5) The information required by subsections (3) and (4) shall be reported through the Office's website at <http://www.fldfs.com/companies/>. In lieu of reporting this information directly, each insurer can authorize the designated statistical agent to report the information required by subsection (4) on their behalf. If the insurer authorizes the designated statistical agent to report the information required by subsection (4), any corrections to that data shall be submitted by the designated statistical agent.

Specific Authority 624.308(1), 624.4315 FS. Law Implemented 624.4315 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jim Watford, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Miller, Deputy Commissioner, Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-10
RULE CHAPTER TITLE: Outdoor Advertising Sign Regulation and Highway Beautification

RULE NO.: 14-10.0052
RULE TITLE: Zoning Enacted Primarily to Permit Outdoor Advertising Signs

NOTICE OF HEARING

Based upon a request for a hearing, a hearing will be held as follows:

TIME AND DATE: 1:30 p.m., March 14, 2005

PLACE: Florida Department of Transportation, Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

Notice was published in Florida Administrative Weekly, Vol. 31, No. 1, January 7, 2005.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-51	RULE CHAPTER TITLE: Florida's Highway Guide Sign Program
RULE NOS.: 14-51.013 14-51.014 14-51.020 14-51.021 14-51.030 14-51.041	RULE TITLES: Sign Evaluation Process General Criteria Supplemental Guide Signs General Service Signs Supplemental Guide Signs Criteria for Unincorporated Communities

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. 38, September 17, 2004, issue of the Florida Administrative Weekly.

There were no requests for hearing and no hearing was held. The rulemaking process currently is suspended under the provisions of Section 120.54(3)(e)6., Florida Statutes, pending resolution of the comments received from the Joint Administrative Procedures Committee.

SUMMARY OF CHANGES: The following changes are being made in response to a review by the Joint Administrative Procedures Committee.

1. 14-51.013(2): Delete (2)(d) in its entirety and renumber the previously proposed (2)(e) as (2)(d).
2. 14-51.014: Add a new (8) as follows:

“(8) The proposed design, location, materials, and support structure must fully comply with current Department's Design Standards Indices Numbered 9535, 11860, 11861, 11862, 11863, 11864, 11865, and 17302, and Section 994, “Retroreflective and Nonrefelctive Sign Sheeting,” from the Standard Specifications for Road and Bridge Construction, 2004 edition. These documents, incorporated herein by reference, can be downloaded at the following locations: <http://www.dot.state.fl.us/rddesign/rd/RTDS/04/9535.pdf>; <http://www.dot.state.fl.us/rddesign/rd/RTDS/04/11860.pdf>; <http://www.dot.state.fl.us/rddesign/rd/RTDS/04/11861.pdf>; <http://www.dot.state.fl.us/rddesign/rd/RTDS/04/11862.pdf>; <http://www.dot.state.fl.us/rddesign/rd/RTDS/04/11863.pdf>; <http://www.dot.state.fl.us/rddesign/rd/RTDS/04/11864.pdf>; <http://www.dot.state.fl.us/rddesign/rd/RTDS/04/11865.pdf>; <http://www.dot.state.fl.us/rddesign/rd/RTDS/04/17302.pdf>; <http://www.dot.state.fl.us/specificationsoffice/2004BK/D994.doc.pdf>.”

3. 14-51.014(2): Change the language to delete references to “suggested annual attendance” as follows:

“Signing for a destination with a limited period of operation shall be displayed only during those periods of operation, and only if the generator meets the trips generated annually ~~suggested annual attendance~~ criteria referenced in Table 1, Criteria for Signing Destinations on Limited Access Facilities, or Table 4, Criteria for Signing Destinations on Non-limited Access Facilities.

If occasional off-season usage exceeds 25 percent of the trips generated annually ~~annual attendance rate~~ for most of the year, the signs may be displayed permanently.”

- 4. 14-51.020(3)(h): Remove approval information as follows:
“(h) Rail Terminals shall qualify for signing on limited access facilities when they are Intercity Rail (Amtrak, Commuters, etc.). They shall ~~be ICC, PSC Certified, or Department approved,~~ and provide regularly scheduled passenger service and having parking spaces for patron use.”
- 5. 14-51.030(3)(j)1.: Remove approval information as follows:
“1. Intercity rail (Amtrak, Commuters, etc.) shall ~~be ICC, PSC Certified, or Department approved,~~ and provide regularly scheduled passenger service and have parking spaces for patron use.”
- 6. 14-51.041(2): The section is revised as follows:

“(2) Place name signs for an unincorporated area not appearing on the current Official Florida State Transportation Map will be eligible upon written request of the county. Such requests shall demonstrate the following: ~~be accompanied by evidence supporting reasonable need.~~”

7. 14-51.041(3): The section is revised and renumbered and subsequent sections (4) through (8) are renumbered as follows:

“(a)(3) There shall be clearly identifiable localized development in the area ~~that is significantly more intensive than encountered on the state highway approaches to the community.~~

(b)(4) The community must lie on or along the State Highway System.

(c)(5) Horizontal/vertical curves of the roadway restrict advance notice to motorists approaching the community.

(d)(6) The community is a county seat or has historical, cultural, educational places of interest, or major tourist attractions which are not separately signed.

(e)(7) A post office, railroad station, water tower, or similar structure bearing the place name exists in the community.

(f)(8) The county has installed or agreed to install place name signs on its roads transversing the area.”

8. In addition to the above, the title of Table 5 is corrected as follows:

“Table 5 – Destinations for Which signing Shall Not Be Provided on Non-Limited ~~Controlled~~ Access Facilities.”

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.: 33-601.737
RULE TITLE: Visiting – Forms

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 2, (January 14, 2005) and Vol. 31, No. 3, (January 28, 2005) issues of the Florida Administrative Weekly:

Form DC6-111B, Visitor Information Summary, is being amended for consistency with rules governing inmate visiting. Section 5.4.3 of the form is being amended to provide that cash over \$50 (rather than \$25) in a visitor’s possession is contraband.

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 Hearing Aid Specialists

RULE NO.: 64B6-4.002
RULE TITLE: Examination and Re-examination Fees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 34, which published on August 20, 2004, in the Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

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

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. 50, December 10, 2005, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

69H-2.004 Certificate of Coverage.

(1) through (7) No change.

(8) Copies of these forms are available from the Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0337, (850)413-4852.

Specific Authority 284.39, 284.311 FS. Law Implemented 284.30, 284.31 FS. History—New 7-29-72, Formerly 4-30.05, 4-30.005, Amended 1-7-92, 6-28-01, _____.

The text of form 864A in Section V has been modified with the addition of the following language:

“Any proceedings to appeal the determination of fault will be pursued with the employing agency.”

“The Fund may adjust the deductible amount at the beginning of each fiscal year, upon consultation with the state agencies that employ the covered law enforcement officers. The amount of the deductible shall not exceed \$500 per incident.”

69H-2.010 Property Damage Coverage for State-Owned Vehicles.

(1) has been substantially rewritten to read as follows:

(1) Definitions: The following definitions shall apply to the property damage coverage established in this Rule:

(a) “Accidental loss” – A loss that is unintended by a law enforcement officer covered by this Rule.

(b) “Actual cash value” – Replacement cost minus depreciation.

(c) “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).

(d) “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.

(e) “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) through (c) No change.

(d) Any proceedings to appeal the determination of fault will be pursued with the employing agency.

~~(e)(d)~~ Exclusions: The Fund will not pay for property damage if:

1. through 6. No change.

~~(f)(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.

~~(g)(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) through (e) No change.

(f) Questions regarding Premiums and Invoicing 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) No change.

(b) The Division will adjust compute the deductible amount and adjust the amount at the beginning of each fiscal year, upon consultation with the state agencies that employ the law enforcement officers covered by this Rule. The amount of the deductible shall not exceed \$500 per incident. The Division will notify state agencies of the deductible amount no later than July 1 of each fiscal year.

(5) Claims Processing.

(a) through (e) No change.

(f) Questions regarding Claims Processing 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 284.300, 284.311, 284.36 FS. History—New _____.

The remainder of the rule reads as previously published.

Section IV Emergency Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE TITLE: RULE NO.:

Community Development Block Grant 9BER05-1
 Disaster Relief Funds

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE: As a result of the destruction associated with Hurricane Ivan in September 2004, thousands of homes were damaged or destroyed and residents were severely impacted by flooding, damaged public facilities, downed power lines, and debris. Many businesses suffered serious damage or were destroyed, along with governmental service buildings, public housing, nursing homes and hospitals. Other infrastructure was also impacted.

The Small Cities Community Development Block Grant Program (CDBG) has made available Program Income funds in the amount of \$1,453,000 to be used for those activities that are eligible for disaster recovery assistance resulting from damage due to Hurricane Ivan under Executive Order 04-206 in the following jurisdictions:

- Century
- Gulf Breeze
- Jay
- Milton
- Santa Rosa County

The State of Florida, through the Department of Community Affairs, is responsible for the regular administration of the Small Cities CDBG Program under Rule Chapter 9B-43, Florida Administrative Code. As a result of Executive Order 04-206, it is necessary for the Department to implement this emergency rule to clearly differentiate between these disaster recovery funds for Hurricane Ivan relief and regular Small Cities CDBG administrative requirements. The expenditure of these funds in the disaster stricken areas is essential to the health, safety and welfare of the public. This emergency rule enables the Department of Community Affairs to more quickly disburse these funds to affected local governments, so that the dire needs of the affected citizens of Florida can be promptly addressed.

REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Promulgation of Rule Chapter 9BER05-1, using emergency rule procedures, is the only available mechanism that adequately provides for the expeditious disbursement and use of these federal funds, while addressing the urgent needs of the public.

SUMMARY: This rule enables the Department of Community Affairs to distribute and administer CDBG disaster recovery funds as expeditiously as possible. The contract period will be for six months.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Monya Newmyer, Community Program Manager, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE FULL TEXT OF THE EMERGENCY RULE IS:

9BER05-1 Community Development Block Grant Disaster Relief Funds.

(1) The primary objective of this emergency rule is to address urgent housing needs of low and moderate income families who have suffered damage to or loss of housing as a result of Hurricane Ivan. The State of Florida Small Cities CDBG program has Program Income funds in the amount of \$1,453,000.00 which is being made available to assist in community recovery from the damages due to Hurricane Ivan for those activities which are eligible under 24 CFR 570, Subpart I. These funds are to be used only for housing activities addressing an urgent need for assistance in alleviating existing conditions that pose a serious and immediate threat to the health and safety of low and moderate-income persons. Only the following Small Cities CDBG eligible counties and cities may apply for these funds:

- Century
- Gulf Breeze
- Jay
- Milton
- Santa Rosa County

The amount of funds requested shall be limited to that amount necessary to address the emergency need only and is not to exceed the amount allocated by the Department as established in the Notice of Funding Availability. All portions of Rule Chapter 9B-43, Florida Administrative Code, are abrogated by this emergency rule in order to expedite recovery measures except the following:

- Rule 9B-43.003, F.A.C.
- Rule 9B-43.004, F.A.C.
- Rule 9B-43.009(1), (3), (5), and (6), F.A.C. and
- Rule 9B-43.014, F.A.C.

(2) The Department of Community Affairs will issue a Notice of Funding Availability to the eligible local governments with application instructions, including the date by which applications are to be received and other application information. The maximum and minimum grant amounts shall be established at the Department's discretion. Administrative costs chargeable to the program shall not exceed ten percent

(10%) of the total subgrant amount. The maximum grant contract period will be six (6) months from the date of execution of the contract.

(3) All funded disaster recovery activity must exclusively benefit low and moderate income persons under 24 CFR 570.483(b). Applicants under this category shall demonstrate that no other federal, State, local or private disaster funds are available at this time to address this emergency and that they are not being reimbursed for the activities by another source (i.e. homeowner's insurance, Red Cross, or other nonprofit or for profit organizations). The funds available hereunder shall not be used to supplant any other funding.

(4) Communities identified by the Federal Emergency Management Agency (FEMA) as nonparticipating, noncompliant communities under the National Flood Insurance Program are not eligible to apply for these funds.

(5) Allocation of funds will be determined by the Department of Community Affairs based upon the following priorities:

(a) Targeting of low and very low income households; and

(b) Providing assistance where there is a lack of available funding from any other source to adequately address the need.

(6) The above-named Small Cities CDBG cities and counties within the aforementioned impacted areas will be required to determine the specific uses of these disaster recovery funds to address urgent housing needs within the parameters allowed by this emergency rule, the Department of Housing and Urban Development (HUD), Title I of the Housing and Community Development Act of 1974, as amended, and the HUD regulations at 24 CFR Part 570, except as they may be waived by HUD and the Florida Department of Community Affairs.

Specific Requirements:

(a) The primary objective of this funding is to address urgent housing needs of low and moderate-income families who have suffered damage to or loss of housing as a result of recent hurricanes and related weather events. These funds are to be used only for housing activities addressing an urgent need for assistance in alleviating existing conditions which pose a serious and immediate threat to health and safety of low and moderate-income persons.

(b) Local government must take the necessary steps to ensure that the public, particularly eligible individuals, are made aware of the funding and the purposes for which the funding may be used. At a minimum, local government must provide notice of funding availability through the use of local newspapers and other media.

(c) Activities that may be undertaken with the funds are limited to the following:

1. Grant administration costs;

2. Demolition and Clearance;

3. Temporary Relocation (including rental assistance);

4. Permanent Relocation (including rental assistance for a time limited period);

5. Housing Rehabilitation;

6. Housing Demolition and Replacement;

7. Waivers of Permit Fees, Inspection Fees, or Other Normally Charged Fees;

8. Potable Well Installation;

9. Water and Sewer Hookups;

10. Water and Sewer Line Replacement;

11. Septic System Replacement or Installation; and

12. Utility Hookups, Other.

(d) If manufactured housing units are used for replacement housing, they must meet the following specifications:

1. Manufactured housing units must be built to HUD post-1994 construction standards. The units must be new previously uninstalled manufactured housing units.

2. Units must bear HUD compliance certification meeting HUD wind resistance construction standards for wind zone 3.

3. The county shall inspect and approve the installation of all manufactured housing units. Units must be installed to the manufacturer's installation instructions.

4. These funds may not be used for furniture and interior design costs, insurance, financing points, or add on structures.

5. Replacement units may be placed on leased land or resident owned land.

6. Site location must meet minimum safety criteria (e.g., not located in floodplain, not in high velocity wind zone, etc.).

7. Units must be for owner-occupancy, replacing manufactured housing.

8. The costs of each manufactured housing unit must not exceed the appraised value of the unit per the Fannie Mae/Freddie Mac manufactured housing appraisal guidelines currently in effect (e.g., Fannie Mae, Announcement 03-06, "Appraisal Guidelines for Manufactured Housing.")

Additional guidance regarding grant administration, reporting and closeout requirements will be set forth in the subgrant agreement.

Specific Authority 290.044 FS. Law Implemented 290.0401-.048 FS. History—New 1-28-05.

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: January 28, 2005

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 579, EMERALD GREEN 7's
 RULE NO.: 53ER05-7

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 579, "EMERALD GREEN 7's," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-7 Instant Game Number 579, EMERALD GREEN 7's.

(1) Name of Game. Instant Game Number 579, "EMERALD GREEN 7's."

(2) Price. EMERALD GREEN 7's lottery tickets sell for \$2.00 per ticket.

(3) EMERALD GREEN 7's lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning EMERALD GREEN 7's lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any EMERALD GREEN 7's lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions imaged in black ink are as follows:

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

(5) The play symbols and play symbol captions imaged in green ink are as follows:

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

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

TICKET TICKET	\$1.00 ONE	\$2.00 TWO	\$5.00 FIVE	\$10.00 TEN	\$20.00 TWENTY
\$25.00 THY FIVE	\$50.00 FIFTY	\$100 ONE HUN	\$500 FIVE HUN	\$1,000 ONE THO	\$15,000 FTN THO

(7) Determination of Prizewinners. A ticket having a black "7" symbol in the play area shall entitle the claimant to the corresponding prize shown for that symbol. A ticket having a green "7" symbol in the play area shall entitle the claimant to double the corresponding prize shown for that symbol. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500, \$1,000, and \$15,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail an EMERALD GREEN 7's lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket. Players may win more than one time on an EMERALD GREEN 7's lottery ticket.

(8) The estimated odds of winning, value, and number of prizes in Instant Game Number 579 are as follows:

GAME PLAY: TICKET	WIN: \$2 TICKET	ODDS OF 1 IN:	NUMBER OF
			WINNERS IN 57 POOLS OF 180,000 TICKETS PER POOL:
\$2	\$2	10.00	1,026,000
\$2 X 2	\$4	25.00	410,400
\$1 + (\$2 x 2)	\$5	30.00	342,000
\$5	\$5	37.50	273,600
\$1 + (\$2 x 2) + \$5	\$10	37.50	273,600
\$5 (GREEN "7")	\$10	150.00	68,400
\$10	\$10	50.00	205,200
\$5 x 5	\$25	150.00	68,400
(\$5 x 2) + (\$10 x 4)	\$50	150.00	68,400
\$25 (GREEN "7")	\$50	1,800.00	5,700
\$50	\$50	450.00	22,800
\$10 x 10	\$100	1,800.00	5,700
\$50 (GREEN "7")	\$100	9,000.00	1,140
\$100	\$100	5,142.86	1,995
\$20 x 10	\$200	36,000.00	285
\$500 (GREEN "7")	\$1,000	342,000.00	30
\$1,000	\$1,000	732,857.14	14
\$15,000	\$15,000	1,710,000.00	6
		2,565,000.00	4

(9) The estimated overall odds of winning some prize in Instant Game Number 579 are 1 in 3.70. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 579, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing an EMERALD GREEN 7's lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(12) Payment of prizes for EMERALD GREEN 7's lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History--New 1-27-05.

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

EFFECTIVE DATE: January 27, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 560, SPIN N' WIN
 RULE NO.: 53ER05-8
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 560, "SPIN N' WIN," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule

sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-8 Instant Game Number 560, SPIN N' WIN.

(1) Name of Game. Instant Game Number 560, "SPIN N' WIN."

(2) Price. SPIN N' WIN lottery tickets sell for \$1.00 per ticket.

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

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

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVEN	12 TWELVE
13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN
19 NINETEEN					



(5) The "WHEEL NUMBER" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVEN	12 TWELVE
13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN
19 NINETEEN					

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

TICKET	\$1.00	\$2.00	\$3.00	\$4.00	\$5.00
TICKET	ONE	TWO	THREE	FOUR	FIVE
\$10.00	\$20.00	\$25.00	\$50.00	\$100	\$500
TEN	TWENTY	THY FIV	FIFTY	ONE HUN	FIV HUN

(7) The legends are as follows:

YOUR NUMBERS WHEEL NUMBER

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches the "WHEEL NUMBER" shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to four sets of matching numbers. The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, and \$500. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a SPIN N' WIN lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.



(b) A ticket having a "WIN \$25" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$25.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 560 are as follows:

GAME PLAY:	WIN:	ODDS OF	NUMBER OS
FREE TICKET	\$1 TICKET	1 IN:	WINNERS IN
			56 POOLS OF
			180,000 TICKETS
			PER POOL:
\$1	\$1	10.00	1,008,000
\$2	\$2	15.00	672,000
\$4	\$4	21.43	470,400
\$2 + \$3	\$5	75.00	134,400
\$5	\$5	75.00	134,400
\$10	\$10	300.00	33,600
(\$2 x 2) + (\$3 x 2)	\$10	300.00	33,600
(\$5 x 3) + \$10	\$25	1,800.00	5,600
\$2 + \$3 + (\$10 x 2)	\$25	1,800.00	5,600
\$25 (STAR)	\$25	450.00	22,400
(\$10 x 3) + \$20	\$50	3,600.00	2,800
\$25 x 2	\$50	9,000.00	1,120
\$50	\$50	15,000.00	672
\$25 x 4	\$100	100,800.00	100
\$100	\$100	126,000.00	80
\$500	\$500	504,000.00	20

(10) The estimated overall odds of winning some prize in Instant Game Number 560 are 1 in 3.79. Prizes, including the top prizes, are subject to availability at the time of ticket

purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 560, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for SPIN N' WIN lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History--New 1-27-05.

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

EFFECTIVE DATE: January 27, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Retailer Application and Fee Schedule

RULE NO.: 53ER05-9

SUMMARY OF THE RULE: This emergency rule sets forth the provisions regarding the application(s) to be filed and related fees for persons desiring to contract with the Lottery as a retailer.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-9 Retailer Application and Fee Schedule.

(1) New Applicants.

(a) Any person interested in contracting with the Lottery as a retailer shall file Form DOL-129, Retailer Application; or Form DOL-129-1, Retailer Application in Spanish; or Form DOL-129C, Chain Account Retailer Application, as applicable.

(b) For the initial sales location, each applicant shall submit a fee of \$100.00 along with the appropriate retailer application set forth in paragraph (a), above.

(c) An application for an additional location must be submitted to the Lottery on Form DOL-129, DOL-129-1, DOL-129C, or Form DOL-129CA, Chain Account Retailer Additional Store Application, as applicable, and must be accompanied by a fee of \$25.00 for each additional location.

(d) Each applicant shall be subject to a background investigation, which can include fingerprinting.

(e) Organizations which are publicly traded on a national securities exchange must submit the following:

1. Form DOL-129C, including Section 4 entitled "Information on Publicly Traded Organizations"; and

2. Form DOL-374, Affidavit. Form DOL-374 will be provided to the applicant during the application process and must be completed by a corporate officer or legal counsel to state whether the corporation, any of its executive officers or its chairperson has been convicted of, or entered a plea of guilty or nolo contendere to, a felony committed in the preceding ten years, regardless of adjudication.

(f) Organizations which are not publicly traded on a national securities exchange shall be subject to the background investigation provisions set forth in accordance with rules of the Florida Lottery governing retailer applicant background investigations. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(2) Renewal Application. Retailer contracts shall be renewed by execution of a new retailer contract. Prior to the expiration of a retailer contract, a retailer shall submit Form DOL-307, Application for Contract Renewal, or Form DOL-320, Application for Chain Account Contract Renewal, and a new retailer contract signed by the retailer, along with a fee of \$10.00 per location and \$25.00 for each new officer, director, or shareholder of the corporation since the last application. Renewal applicants shall be subject to a background investigation and fingerprinting may be required.

(3) Change of Location. An application to change a location must be submitted to the Lottery at least thirty days in advance of the change, on Form DOL-129, DOL-129-1, or DOL-129C, as applicable, and must be accompanied by a fee of \$10.00.

(4) All application fees shall be non-refundable unless the initial application is denied because the applicant or the location fails the Lottery's marketing evaluation, in which case the application fee for that location shall be refunded to the applicant.

(5) Applications and subsequent contracts, if any, are not assignable or transferable to any person or entity.

(6) Any department, commission, agency, or instrument of the state, or its subdivisions, or any municipality or county, that seeks a contract as a retailer shall bear the burden of securing approval of any other person, board, commission, agent, or instrumentality of the state, or its subdivisions, or municipality or county, which may have controlling authority over the applicant.

(7) The following forms are incorporated herein by reference and may be obtained by writing to the Department of the Lottery, Retailer Contracting, 250 Marriott Drive, Tallahassee, Florida 32399-4001:

Form DOL-129, Retailer Application, revised 11/03.

Form DOL-129-1, Retailer Application in Spanish, revised 5/04.

Form DOL-129C, Chain Account Retailer Application, revised 11/03.

Form DOL-129CA, Chain Account Retailer Additional Store Application, revised 11/03.

Form DOL-374, Affidavit, revised 9/12/01.

Form DOL-307, Application for Contract Renewal, revised 11/03, and

Form DOL-320, Application for Chain Account Contract Renewal, revised 11/04.

Forms DOL-129, DOL-129-1, DOL-129C, and DOL-129CA may also be obtained from the Lottery's website at www.flalottery.com.

(8) This emergency rule replaces Emergency Rules 53ER01-3 and 53ER04-81, Florida Administrative Code.

Specific Authority 24.109(1), 24.112(1) FS, Law Implemented 24.112 FS, History--New 1-31-05, Replaces 53ER01-3 and 53ER04-81.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Retailer Applicant Background Investigation RULE NO.: 53ER05-10

SUMMARY OF THE RULE: This emergency rule sets forth the provisions relating to retailer applicant background investigations.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-10 Retailer Applicant Background Investigation.

(1) Organizations that are publicly traded on a national securities exchange shall be required to submit the forms set forth in the rule governing retailer application and fee schedule. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011. Investigation of any such organization shall include review of its business credit report, financial statements, criminal history checks, and review of its Lottery payment history, if any.

(2) The investigation by the Lottery of the owners, partners, corporate officers, directors and shareholders of organizations which are not publicly traded on a national securities exchange shall include the following:

(a) A sole proprietor's consumer credit history, criminal history and Lottery payment history, if any;

(b) A partner's consumer credit history, criminal history and Lottery payment history, if any;

(c) For limited partnerships and limited liability companies, the names of the general partner and any limited partner with ten percent (10%) or more interest in the business must be disclosed. These individuals will be investigated in the following areas:

1. Consumer credit history, if business credit information is unavailable or inconclusive;

2. Criminal history;

3. Lottery payment history, if any;

(d) For corporations, the names of all corporate officers (except assistant secretaries), directors, and shareholders of ten percent (10%) or more interest in the business must be disclosed.

These individuals will be investigated in the following areas:

1. Consumer credit history, if business credit information is unavailable or inconclusive;

2. Criminal history;

3. Lottery payment history, if any.

(3) This emergency rule replaces Emergency Rules 53ER97-42 and 53ER04-80, Florida Administrative Code.

Specific Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112(2) FS. History--New 1-31-05. Replaces 53ER97-42 and 53ER04-80.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Granting Retailer Contracts and Certificates of Authority

RULE NO.: 53ER05-11

SUMMARY OF THE RULE: This emergency rule sets forth the provisions regarding granting retailer contracts and issuing retailer Certificates of Authority by the Lottery.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-11 Granting Retailer Contracts and Certificates of Authority.

(1) Retailer contracts shall authorize the sale of lottery tickets.

(2) Retailer contracts shall have a term of four years and shall be renewable upon successful completion of the renewal process. Renewed retailer contracts shall be executed prior to

the expiration of an existing contract. If a renewal contract is not executed prior to expiration of the current contract, the retailer's on-line and instant ticket sales and terminal activity shall be immediately terminated.

(3) Following complete execution of the retailer contract, the Lottery shall issue a Certificate of Authority, DOL-130, revised 1/99 and incorporated herein by reference, to each retailer for purposes of display. This form may be obtained from the Lottery, Retailer Contracting, 250 Marriott Drive, Tallahassee, Florida 32399-4001. The Certificate of Authority shall bear the name of the contracted retailer and the address of the contracted premises. The Certificate of Authority shall be posted in a conspicuous location on the premises accessible to the public.

(4) The Lottery is authorized to provide a temporary Certificate of Authority to a contracted retailer for the sale of Lottery tickets at special events. Special events are public activities throughout the State of Florida, such as fairs, festivals, concerts and sporting events, in which the Florida Lottery participates as a sponsor.

(5) This emergency rule replaces Emergency Rules 53ER94-59 and 53R04-75, Florida Administrative Code.

Specific Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112 FS. History--New 1-31-05. Replaces 53ER94-59 and 53ER04-75.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Change in Retailer Ownership

RULE NO.: 53ER05-12

SUMMARY OF THE RULE: This emergency rule sets forth the provisions relating to a change in ownership of a retailer's place of business.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-12 Change in Retailer Ownership.

(1) No Certificate of Authority or retailer contract is assignable or transferable between persons or locations.

(2) To avoid an interruption or termination of lottery ticket sales, any change in ownership of a retailer's place of business shall be preceded by the filing and approval of a Retailer Application as provided in accordance with rules of the Florida Lottery governing retailer applications, and the issuance of a new Certificate of Authority. A copy of the current rule

governing retailer applications can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(3) Any of the following will be considered a change of ownership:

- (a) Sale of the business;
- (b) Change in the form of ownership of the business;
- (c) Change of general partners in a limited or general partnership; or
- (d) Death of a sole proprietor.

(4) A retailer shall notify the Lottery immediately of the occurrence or pending occurrence of any of the change of ownership conditions listed in the preceding subsection and shall immediately notify the Lottery of a filing for bankruptcy by the retailer or any person listed on the retailer's application.

(5) A retailer that is a corporation shall immediately notify the Lottery of any change of managing officers or directors and of transfers of 10 percent or more of its corporate stock. Notification shall be given by filing a retailer application and following the procedures set out in accordance with rules of the Florida Lottery governing retailer applications. If as a result of its investigation the Lottery determines that any new officer, director or shareholder of 10 percent or more of the corporate stock would have caused the initial retailer application to be denied, the retailer will be given an opportunity to sever its relationship with the officer, director or shareholder. If the retailer does not sever the relationship, the Lottery shall terminate the retailer contract. A non-refundable background investigation fee of \$25 per person investigated shall accompany the notice of change by the retailer.

(6) This emergency rule replaces Emergency Rules 53ER00-21 and 53ER04-74, Florida Administrative Code.

Specific Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112 FS. History—New 1-31-05. Replaces 53ER00-21 and 53ER04-74.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Retailer Responsibilities
RULE NO.: 53ER05-13

SUMMARY OF THE RULE: This emergency rule sets forth the responsibilities for retailers contracted with the Florida Lottery.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-13 Retailer Responsibilities.

(1) The Lottery shall contract with specified retailers to sell lottery tickets.

(2) All equipment provided to the retailer by the Lottery or its vendors shall remain the property of the Lottery or its vendors, and retailers shall acquire no interest whatsoever in the equipment.

(3) The retailer shall meet the training standards established by the Lottery relating to operation of the terminal and the sale of lottery products.

(4) Retailers shall be responsible for meeting terminal installation requirements as specified by the Lottery, including but not limited to, electrical circuitry; telephone line and equipment; counter, roof and building space; and conduit, if applicable.

(5) Retailers shall provide a minimum amount of space as determined by the Lottery at the location of the terminal for proper ventilation, maintenance, and material loading and removing.

(6) Retailers shall pay a weekly service charge to the Lottery in an amount determined by the Lottery. A retailer will not be assessed a service charge for promotional or additional terminals.

(7) Retailers shall pay all electrical utility charges in connection with operation of the terminal.

(8) Retailers shall use due diligence and care when operating the terminal and shall immediately notify the Lottery's designated hotline of any network communication problem or terminal malfunction.

(9) Retailers shall provide access to Lottery equipment to Lottery or vendor personnel presenting proper identification.

(10) Retailers shall be responsible for the physical security of the terminal and other Lottery equipment.

(11) The Lottery is authorized to recover from a retailer the cost of any negligent or intentional damage to terminal(s) and other Lottery equipment by retailer or its employees.

(12) Retailers shall not attempt to perform any mechanical or electrical maintenance or repairs on the terminal or other Lottery equipment except as authorized by the Lottery or its vendors.

(13) Retailers shall replenish ticket stock and clear paper jams as required on the terminal and/or terminal printer.

(14) Retailers shall provide a space for the play station provided by the Lottery at a location approved by the Lottery. Retailers shall maintain an adequate supply of pencils, play slips, claim forms and brochures, for use by players as provided by the Lottery or authorized vendor. Retailer shall display and maintain in prominent locations point of sale materials provided by the Lottery, including, but not limited to,

playstations, electronic displays and odds pieces. Material not authorized by the Lottery shall not be displayed at or dispensed from the play station or other Lottery equipment.

(15) This emergency rule replaces Emergency Rules 53ER02-5 and 53ER04-85, Florida Administrative Code.

Specific Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112(1) FS. History—New 1-31-05, Replaces 53ER02-5 and 53ER04-85.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Retailer Compensation RULE NO.: 53ER05-14

SUMMARY OF THE RULE: This emergency sets forth the provisions governing retailer compensation.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-14 Retailer Compensation.

(1) Sales Commission. Retailers shall be paid a sales commission of five percent on the purchase price of each instant and on-line ticket sold by them or issued as a prize in accordance with these rules. The number of instant tickets sold or issued as prizes will be determined by full or partial book settlements.

(2) Cashing Commission. Retailers shall be paid a one percent cashing commission on the value of each lottery ticket with a prize value less than \$600 cashed by them. As used herein, “cashing” shall mean a transaction wherein a retailer validates a ticket and pays a prize either by cash, check, money order, or by issuance of a free ticket(s), and the Lottery processes the paid ticket for credit to the retailer. Free tickets shall be valued at their retail sales price.

(3) The Lottery is authorized to conduct retailer incentive promotions in which additional compensation is provided to retailers as bonus commissions.

(4) Sales and cashing commissions earned by a retailer will be reflected on the retailer’s weekly Settlement Report. Bonus commissions earned by a retailer will be reflected on the retailer’s weekly Settlement Report or will be paid by check.

(5) Sales commissions, including bonus commissions, paid to retailers for instant ticket sales shall be reversed by the Florida Lottery if settled tickets are subsequently unsettled and returned to the Lottery.

(6) Sales, cashing and bonus commissions will be considered compensation to the retailer for Internal Revenue Service purposes.

(7) No retailer or employee of a retailer shall request or accept compensation for the performance of duties authorized pursuant to the retailer’s contract, other than the compensation stated in the retailer’s contract and these rules. This prohibition includes, but is not limited to, the redemption of winning tickets. A retailer shall not charge a fee for payment of a prize by money order when that is the only method of prize payment made available by the retailer.

(8) This emergency rule replaces Emergency Rules 53ER02-23 and 53ER04-82, Florida Administrative Code.

Specific Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i) FS. History—New 1-31-05, Replaces 53ER02-23 and 53ER04-82.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Sale of Tickets RULE NO.: 53ER05-15

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for retailers relating to the sale of lottery tickets.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-15 Sale of Tickets.

(1) Retailers are prohibited from selling lottery tickets to anyone under the age of eighteen (18).

(2) Retailers shall sell lottery tickets during the retailer’s normal business hours.

(3) Retailers shall sell only Florida Lottery tickets and no other state or national lottery tickets, except as may be expressly authorized by the Lottery.

(4) Retailers may not sell tickets at any price other than that established by the Lottery.

(5) No person or entity other than the Lottery, a contracted Lottery retailer or a retailer’s authorized agent or employee acting on behalf of the retailer may sell lottery tickets.

(6) Without prior Lottery approval, a retailer shall not accept tickets to be sold from anyone except an authorized Lottery representative.

(7) All ticket sales shall be final, except that a retailer shall make a good faith effort to cancel an on-line ticket upon the request of a player if the request is made within the cancellation period established by the Lottery. A retailer is not required to cancel an on-line ticket produced upon request of the player by the quick pick method of number selection.

(8) Each book of instant tickets shall be activated prior to any tickets from the book being sold.

(9) Instant tickets for a particular game shall not be sold after the announced official end of game date of the respective instant game.

(10) On-line tickets shall not be sold after the drawing for which they were designated.

(11) A retailer shall sell lottery tickets only at the location stated on its Certificate of Authority.

(12) The provisions of this emergency rule shall be effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

(13) This emergency rule replaces Emergency Rules 53ER94-26 and 53ER04-83, Florida Administrative Code.

Specific Authority 24.109(1), 24.112(1), 24.105(9)(h) FS. Law Implemented 24.112(7), 24.105(9)(h) FS. History--New 1-31-05, Replaces 53ER94-26 and 53ER04-83.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Retailer Accountability

RULE NO.: 53ER05-16

SUMMARY OF THE RULE: This emergency rule sets forth the provisions relating to lottery ticket accountability and financial accountability by retailers.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-16 Retailer Accountability.

(1) Ticket Accountability.

(a) Each retailer shall be accountable for all instant tickets received, all on-line tickets generated and all funds received by the retailer.

(b) Retailers shall receive books of tickets for sale on a consignment basis in accordance with the Lottery's inventory management system.

(c) Each retailer is liable to the Lottery for any and all tickets accepted or generated by any employee or representative of that retailer, less cancelled on-line tickets, and such tickets shall be deemed to have been purchased by the retailer unless returned to the Lottery by the official end of game date.

(2) Financial Accountability.

(a) Each retailer shall maintain a commercial checking bank account for all amounts collected from ticket sales until such amounts have been collected by the Lottery. All amounts received by each retailer from the operation of the Lottery, less the amount retained as compensation for the sale of tickets and

the amount paid out as prizes, shall be held in a bank account prior to collection by the Lottery on the designated day of collection.

(b) A retailer is authorized to use its business commercial operating bank account or a separate commercial bank account for lottery purposes.

(c) A retailer shall notify the Lottery of a change in its bank account at least fifteen (15) days in advance of such change becoming effective.

(d) A retailer shall maintain its bank account for thirty (30) days after the termination date of its retailer contract.

(e) Each retailer shall complete and return to the Lottery at the time of application or in advance of a bank account change form DOL-103, Electronic Fund Transfer Authorization, revised 2/03. Form DOL-103 is incorporated herein by reference and may be obtained by writing to the Florida Lottery, Retailer Contracting, 250 Marriott Drive, Tallahassee, Florida 32399-4001. The form authorizes the Lottery to debit or credit the retailer's bank account through electronic funds transfers.

(f) The following procedures apply to Electronic Funds Transfer (EFT) delinquencies:

1. For purposes of this rule, an Electronic Funds Transfer delinquency is defined as an unsuccessful attempt to electronically transfer funds from a retailer's bank account to the Lottery in payment of the retailer's weekly settlement activity.

2. For all delinquencies that occur in a twelve-month period, the retailer's ability to sell on-line lottery tickets and order instant tickets shall be suspended.

3. For a first or second delinquency in a twelve-month period, the retailer shall be required to pay the delinquency in full plus applicable service charges prior to reactivation of its ability to sell on-line lottery tickets and order instant tickets.

4. For a third delinquency in a twelve-month period, the retailer shall be required to pay the delinquency in full plus applicable service charges and post a certificate of deposit or performance bond with the Florida Lottery prior to reactivation of its ability to sell on-line lottery tickets and order instant tickets. The amount of the security shall not exceed twice the retailer's average weekly ticket sales as determined by the Lottery.

5. For a fourth delinquency in a twelve-month period, a review of the retailer account will be performed by the Lottery to determine if the retailer's contract will be terminated. In making its determination, the Lottery will review factors such as the retailer's Lottery accounts receivable transactions and Lottery sales history. If the retailer contract is not terminated, the Lottery will make a determination as to whether the security amount is to be increased or whether other requirements are to be imposed.

6. The Lottery is authorized to terminate a retailer's contract prior to a fourth delinquency in a twelve-month period if the Lottery determines that such action is necessary in order to protect the state's financial interests.

7. For each delinquency, the retailer shall be assessed a non-refundable service charge of fifteen dollars per incident or five percent of the amount due per incident, whichever is greater, up to a maximum of one hundred-fifty dollars. The Lottery will assess only one service fee to retailer chain accounts that use the same bank account for all stores. The assessed fee shall be five percent of the total amount due for all locations up to a maximum of one hundred-fifty dollars. Payment of the delinquent settlement amount and any applicable service charges is due immediately from the retailer and prior to on-line sales and the ability to order instant tickets being reinstated.

8. If the Lottery determines that it is in its best financial interest, taking into consideration factors such as the amount of the delinquency and the length of time the delinquency and/or service charges are outstanding, the Lottery district office will be instructed to settle the sold instant tickets and pick up any remaining instant ticket inventory. A retailer's access to computerized Lottery transactions will be limited to redeeming winning tickets and printing reports until Lottery Headquarters has received notification of payment in full.

9. To satisfy an EFT delinquency, the retailer may:

a. Deposit a Cashier's check or money order made payable to the Florida Lottery into a specified Lottery bank account;

b. Wire transfer the funds into a specified Lottery bank account; or

c. Deliver a Cashier's check or money order to a Lottery office.

10. The Lottery will accept a prepayment for the settlement amount if the prepayment is received by the Lottery prior to 5:00 p.m., Eastern Time, on the day before the EFT would normally occur. A service charge will not be applied to the first three (3) prepayments made by a retailer in a twelve-month period, nor will the first three (3) prepayments be counted as a delinquency against the retailer; however, retailers who make more than three (3) prepayments in a twelve-month period will be assessed a service charge as described in subparagraph (2)(f)7. above for each additional prepayment. The Lottery reserves the right to waive the service charge upon showing of good cause by a retailer. Failure by the Lottery to impose a service charge does not constitute a waiver of its right to impose a service charge for any subsequent prepayment.

11. The Lottery will actively pursue collection of all delinquencies that are not paid through the process described above. Methods of collection may include, but are not limited to, filing judicial proceedings and referral of the delinquent accounts to the Office of the Comptroller.

(3) The emergency rule replaces Emergency Rule 53ER94-61, 53ER01-77 and 53ER04-79, Florida Administrative Code.

Specific Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112(1),(11), 24.114 FS. History--New 1-31-05, Replaces 53ER94-61, 53ER01-77, and 53ER04-79.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Minimum Sales Requirements for Retailers

RULE NO.: 53ER05-17

SUMMARY OF THE RULE: This emergency rule sets forth the minimum sales requirement for retailers.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-17 Minimum Sales Requirements for Retailers.

(1) Purpose. Because the Lottery has a finite number of lottery terminals available for placement in contracted retail locations throughout the State, retailers shall be required to maintain specific minimum sales levels.

(2) Measurement of Minimum Sales. Commencing with the second calendar quarter of 2005, at the end of a retailer's first full calendar quarter of ticket sales, and thereafter at the end of each subsequent calendar quarter, the Lottery shall determine the retailer's compliance with the minimum sales requirement set forth in subsection (3) below. This determination will be made by averaging the retailer's weekly sales for the calendar quarter. For retailers with multiple terminals, compliance with the minimum sales requirement will be determined by averaging the retailer's weekly sales of all terminals.

(3) Minimum Sales Requirement. Combined sales (on-line and instant) must average at least \$1,200 per week.

(4) Probationary Sales Period. Any retailer that fails to meet the minimum sales requirement during a calendar quarter shall be placed in a probationary status for the following calendar quarter. During the retailer's probationary period, the Lottery shall monitor the retailer's sales activity. Should the retailer fail to meet the minimum sales requirement during the probationary period, the retailer shall be subject to removal of the terminal from its place of business and termination of its retailer contract in accordance with the rules of the Florida Lottery governing suspension and termination of retailer contracts. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott

Drive, Tallahassee, Florida 32399-4011. The retailer shall be prohibited from reapplying for a retailer contract for a period of six months following termination of the retailer contract.

(5) Removal of Lottery Terminal. In deciding whether or not to remove a terminal from a location that has failed to meet the Lottery's minimum sales requirements, the Lottery will consider the public's convenience (whether the terminal is in a remote location or whether there are other terminals available within a reasonable distance); whether there are extenuating circumstances that have adversely impacted sales volume (for example, the retailer's business is seasonal; road construction has caused a temporary decrease in normal sales volume; or other factors that are temporary in nature); the impact, if any, on the status of a corporate or chain (multi-location) retailer if a terminal is removed from one of the retailer's locations; and the impact, if any, on the overall level of participation of minority businesses as Lottery retailers.

(6) Failure by the Lottery to remove a terminal does not constitute a waiver of the right to remove the terminal or terminate the retailer contract, or both.

(7) This emergency rule replaces Emergency Rules 53ER00-24 and 53ER04-77, Florida Administrative Code.

Specific Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112(2),(5) FS. History--New 1-31-05, Replaces 53ER00-24 and 53ER04-77.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Block Ticket Sales
 RULE NO.: 53ER05-18
 SUMMARY OF THE RULE: This emergency rule sets forth the requirements for retailers regarding block lottery ticket sales.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-18 Block Ticket Sales.

(1) Retailers shall, without delay, give service to all persons present and waiting at the terminal to purchase lottery tickets.

(2) Retailers are required to report to the Lottery any sale to a person in excess of \$100,000 for an individual FLORIDA LOTTO drawing. Such report shall be made immediately by contacting the Division of Security at (850)487-7752.

(3) Retailers shall not accept any compensation for the sale of lottery tickets other than compensation provided or authorized by the Lottery.

(4) Only original playslips provided by the Lottery which have not been marked for play by the use of any electronic or automated means shall be used for the issuance of more than 100,000 tickets for an individual drawing of FLORIDA LOTTO. This subsection shall not apply if the tickets are purchased using the quick pick option.

(5) The entire transaction for the purchase of more than 100,000 FLORIDA LOTTO tickets, including payment for the tickets, submission of playslips, if any, and receipt of tickets, must occur at the same contracted retailer location.

(6) No prize shall be paid on a ticket purchased in violation of this rule. The Lottery reserves the right to limit or terminate the sale of on-line tickets at any contracted retail location if such sales violate this rule.

(7) This emergency rule replaces Emergency Rules 53ER94-30 and 53ER04-73, Florida Administrative Code.

Specific Authority 24.105(9)(e),(h), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9)(e),(h), 24.112(1) FS. History--New 1-31-05, Replaces 53ER94-30 and 53ER04-73.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Lost, Stolen, or Damaged Instant Lottery Tickets
 RULE NO.: 53ER05-19
 SUMMARY OF THE RULE: This emergency rule sets forth for Lottery retailers the reporting requirement and charges associated with active and inactive books of lost, stolen or damaged instant lottery tickets.
 THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-19 Lost, Stolen, or Damaged Instant Lottery Tickets.

(1) Reporting Requirement.

(a) Upon the theft, loss, or damage of instant lottery tickets the retailer shall immediately report the incident to the Lottery Division of Security at (850)487-7752.

(b) For purposes of this rule, tickets that have latex removed or that have been "scratched" are not considered "damaged tickets" and shall not be accepted for retailer account adjustment.

(2) Inactive Tickets.

(a) If tickets are lost, stolen, or damaged before the book of tickets has been activated, the retailer shall be charged a non-refundable service fee of five dollars (\$5.00) for each book.

(b) The retailer will not be charged a service fee for books missing from a shipment or damaged by the vendor.

(3) Active Tickets.

If tickets are lost, stolen, or damaged after the book of tickets has been activated, the retailer shall be charged the retail value of the book of tickets multiplied by the percentage of low tier winning tickets (prize amounts less than \$25.00) redeemed as of the date the book is reported stolen, less the retailer's sales commission(s).

(4) Settled Tickets.

If a retailer settles a book of active tickets and subsequently reports unsold tickets as lost, stolen, or damaged, the retailer will be credited an amount equal to the retail value of the book less the amount calculated as set forth in subsection (3) above.

(5) The retailer shall return to the Lottery, when directed by the Lottery, tickets recovered by the retailer subsequent to the tickets being reported lost, stolen or damaged.

(6) Payment for Tickets. Accounting for lost, stolen, or damaged tickets will be reflected on the retailer's weekly Settlement Report.

(a) The amount due the Lottery for the active books will be included with the book sales value.

(b) The amount due the Lottery for the inactive books will be reflected as an adjustment.

(c) No adjustment will be made to the retailer's account upon return to the Lottery of active lost, stolen, or damaged tickets recovered by the retailer subsequent to the tickets being reported lost, stolen or damaged.

(7) In the event books of tickets are lost, stolen, or damaged for reasons arising out of force majeure, the Florida Lottery reserves the right to waive the assessment of charges under this rule. As used herein, "force majeure" shall include acts of God, action of the elements, fire, explosion, rationing, war, civil disturbance, or other similar occurrences.

(8) This emergency rule replaces Emergency Rules 53ER02-41 and 53ER04-76, Florida Administrative Code.

Specific Authority 24.105(9)(j), 24.109(1), 24.112(1) FS. Law Implemented 24.112, 24.114 FS. History--New 1-31-05. Replaces 53ER02-41 and 53ER04-76.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Payment of Prizes by Retailers
RULE NO.: 53ER05-20

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for payment of prizes by retailers.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-20 Payment of Prizes by Retailers.

(1) A retailer shall pay all winning lottery tickets valued at less than \$600 that are validated through the retailer's terminal.

(2) A retailer shall ensure that sufficient funds are available by cash, check, or money order before validating any ticket to pay a prize.

(3) A player who submits a ticket valued at less than \$600 to the Florida Lottery for payment that has been validated by a retailer will be instructed to return to the same retailer to receive payment. In such case, the Lottery will return the validated ticket to the player.

(4) A retailer shall pay any winning ticket of \$50 or less in cash unless:

(a) It is impossible or impracticable to do so due to a company or store policy that for safety or security reasons, limits the amount of cash available to the clerk; or

(b) It is impossible or impracticable to do so due to an applicable local government ordinance that limits the amount of cash available to the clerk.

In such event, the retailer shall pay as much in cash as is possible and the remainder by check or money order.

(5) A retailer shall pay any winning ticket exceeding \$50 but less than \$600 by cash, check, or money order.

(6) If a retailer validates a ticket valued at \$600 or more, the retailer shall provide the player with the original ticket, the continuation ticket, if one was issued, and the player claim instructions ticket produced by the retailer terminal. The retailer shall instruct the claimant to complete and submit to the Florida Lottery a Winner Claim Form DOL 173-2, revised 10/03, or Spanish Winner Claim Form DOL 173-S, revised 10/03, incorporated herein by reference, for prizes of \$600 or more or when any dispute arises regarding the amount or validity of an apparent winning ticket or when an apparent winning ticket will not validate using the terminal. Forms may be obtained at any Lottery district office or retailer, from the Lottery's website at www.flalottery.com, or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

(7) A retailer shall be held responsible for and will not receive credit for any prize paid for a ticket that was not a winner or that was recorded in the gaming system as paid by another retailer.

(8) A retailer shall not pay any winning ticket of \$600 or more. A retailer who violates this subsection and fails to furnish to the Lottery the complete name, address and tax identification number of the player to whom payment was made so that the Lottery can file a Form W-2G, shall be charged backup withholding pursuant to Internal Revenue Service (IRS) regulations, as well as a non-refundable \$50 service charge to offset any penalties and interest imposed by the IRS. If the IRS imposes penalties and interest in excess of \$50, the retailer's account will be adjusted in the amount of any

excess. The Lottery is authorized to reimburse the retailer only upon receipt of documentation establishing that the ticket was paid in full and a determination that no fraud or other violation has been committed.

(9) A retailer shall not charge players a fee for the service of redeeming winning lottery tickets. This prohibition includes charging a fee for payment of a prize by money order when that is the only method of prize payment made available by the retailer.

(10) If a retailer violates any provision of this rule, the retailer shall be subject to suspension or termination in accordance with rules of the Florida Lottery governing suspension and termination of retailer contracts. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(11) This emergency rule replaces Emergency Rule 53ER04-64 and 53ER04-78, Florida Administrative Code.

Specific Authority 24.105(9)(e), 24.109(1), 24.112(1), 24.115(1) FS. Law Implemented 24.112(1), 24.115 FS. History--New 1-31-05. Replaces 53ER04-64 and 53ER04-78.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Suspension and Termination of Retailer Contract
 RULE NO.: 53ER05-21
 SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the suspension and termination of a retailer’s contract.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-21 Suspension and Termination of Retailer Contract.

(1) A retailer contract can be terminated by the retailer at any time upon written notice to the Lottery.

(2) The Lottery is authorized to terminate or suspend a retailer contract, and reject any later-filed application for a new contract, if the retailer fails to comply with the terms of the retailer contract, or for any of the following reasons:

(a) Retailer has provided false or misleading information in obtaining or attempting to obtain a retailer contract and Certificate of Authority.

(b) Retailer has been convicted of, or has entered a plea of guilty or nolo contendere, regardless of adjudication, to an offense punishable as a felony; or has been convicted of, or has entered a plea of guilty or nolo contendere, regardless of adjudication, to any gambling-related offense.

(c) Retailer has outstanding tax delinquencies owed to the federal government or any taxing authority within the State of Florida.

(d) Retailer has jeopardized the integrity, security or efficient operation of the Lottery.

(e) The ownership or location of the business has changed.

(f) Retailer has failed to meet the volume of sales established for the retailer by the Lottery.

(g) Retailer has failed to accurately account for lottery tickets, revenues or prizes as required by the Lottery.

(h) Retailer has failed to remit or is delinquent in remitting money owed to the Lottery.

(i) Retailer has committed any fraud, deceit or misrepresentation to the Lottery or to any individual purchasing a lottery ticket or tickets from Retailer.

(j) Retailer has sold a lottery ticket or paid a prize to any person under eighteen (18) years of age.

(k) Retailer has sold a lottery ticket at any place other than the place authorized in its Certificate of Authority.

(l) Retailer has not prominently displayed its Certificate of Authority at the approved sales location.

(m) Retailer has not prominently displayed and maintained ticket displays/dispensers and point-of-sale materials provided by the Lottery.

(n) Retailer has not made point-of-sale information for lottery products accessible to the public.

(o) Retailer has sold tickets at a price other than established by the Lottery.

(p) Retailer has violated any rule or regulation promulgated by the Lottery.

(q) Retailer has violated any directive or instruction issued by the Lottery.

(r) Retailer has violated any provision of Chapter 24, Florida Statutes.

(s) Retailer’s reputation is no longer consistent with the protection of the public interest.

(t) Retailer has materially changed any factor considered by the Lottery in selecting the retailer.

(u) Retailer has engaged in conduct prejudicial to public confidence in the Lottery.

(v) Retailer has exchanged a book(s), ticket(s), or ticket stock with another retailer or location.

(w) Retailer has purchased a book(s) or ticket(s) from another lottery retailer for resale.

(x) Retailer has charged a fee to redeem a lottery ticket or has required a customer to purchase another item in order to purchase a lottery ticket.

(y) Retailer has paid a prize of \$600 or more.

(z) Retailer has violated the Lottery's ethics rules or policies.

(3) The Lottery is authorized to terminate a retailer contract at any time upon thirty (30) days' written notice to the retailer if the Lottery determines that, due to a change in the type of game to be played, a change in the method by which games are to be played, or a change in the method the Lottery will use in servicing or contracting with retailers, it is in the best interest of the Lottery to terminate the contract.

(4) If a retailer possesses multiple locations, restriction, suspension or termination of one (1) location grounds for restriction, suspension or termination of the others.

(5) The Lottery is authorized to suspend a retailer contract without prior notice if the Lottery determines that immediate suspension is necessary to ensure the integrity, security, honesty, or fairness of the operation of the Lottery.

(6) The Lottery is authorized to temporarily suspend a retailer contract without prior notice if the retailer, or any of its officers, directors, or employees has been arrested for any violation of law occurring on the retail premises, including by way of example, but not limited to, dealing in stolen property, unlawful sale of controlled substances, or maintaining a nuisance.

(7) A retailer whose contract has been terminated for the reasons set forth in paragraph (2)(b) above is prohibited from reapplying for a retailer contract for a period of one (1) year from the date of conviction or entry of plea and any application received during this time period will be rejected. In reviewing any subsequent application from such a retailer, the Lottery will consider the following factors:

(a) Whether the retailer has been pardoned or had his civil rights restored; and

(b) Whether, subsequent to such conviction or plea, the retailer has engaged in the kind of law-abiding commerce and good citizenship that would reflect well upon the integrity of the Lottery. Under this paragraph, the retailer must prove to the satisfaction of the Lottery that the retailer has engaged in the kind of law-abiding commerce and good citizenship that would reflect well upon the integrity of the Lottery; and

(c) Whether, if the retailer is a firm, association, partnership, trust, corporation or other entity, the retailer has terminated its relationship with the person whose actions directly contributed to the conviction or plea.

(8) A retailer's sole remedy following termination or suspension of its retailer contract is by such civil action as may be appropriate.

(9) This emergency rule replaces Emergency Rules 53ER94-60 and 53ER04-84, Florida Administrative Code.

Specific Authority 24.109(1) 24.112(1) FS. Law Implemented 24.112(5) FS. History--New 1-31-05. Replaces 53ER94-60 and 53ER04-84.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: CASH 3™

RULE NO.: 53ER05-22

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the conduct of CASH 3™.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-22 CASH 3™.

(1) How to Play CASH 3™.

(a) CASH 3 is a lottery on-line game in which a player must select any three (3)-digit number from 000 to 999 inclusive. The digits may be the same or different; for example, 111, 122, and 123 are all valid selections.

(b) Players may choose play amounts of \$.50 or \$1.00 per play, per drawing, for a total of \$.50, \$1.00, \$1.50, \$3.00, or \$6.00, depending upon the play type selected and number of combinations covered.

(c) Players may make their CASH 3 ticket selections by marking a play slip or by telling the retailer their desired selections.

1. There are five panels on a play slip. Players electing to use a play slip to make their CASH 3 selections must mark the play type, play amount and three (3) numbers (or mark the "Quick Pick" box located at the bottom of each panel for the terminal to randomly select one (1) or more of the three (3) numbers for each panel played. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel.

a. Players may mark the "Grouper™" box to receive six (6) quick pick tickets for \$5.00 consisting of one (1) ticket each of CASH 3™, PLAY4™, FANTASY 5®, MEGA MONEY™, and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5, MEGA MONEY or FLORIDA LOTTO. Players may mark Grouper in addition to panel plays and/or Quick Picks. Tickets in Grouper play cannot be player-selected and cannot be cancelled. Grouper play may also be selected by telling the retailer.

b. Players may mark the \$5 "Quick Picks" box to receive five (5) \$1.00 tickets, each with one (1) set of three (3) randomly selected numbers (straight play) for the next CASH 3 drawing, or may mark the \$10 "Quick Picks" box to receive ten (10) \$1.00 tickets, each with one (1) set of three (3)

randomly selected numbers (straight play) for the next CASH 3 drawing. Players may mark Quick Picks in addition to panel plays and/or Grouper.

Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket.

2. Players electing to make their CASH 3 ticket selections by telling the retailer may specify the play type, play amount, and their three (3) desired number selections (or tell the retailer they desire to use the quick pick feature for the terminal to randomly select one (1) or more of the three (3) numbers). The terminal defaults to straight play and to a \$1.00 play amount if the play type and play amount are not specified by the player in conjunction with the selection of the quick pick feature.

(d) A player who selects the combo play type and who elects to use the quick pick feature will not be able to select the total cost of the ticket. The total cost will be determined by whether the quick pick numbers selected by the terminal comprise a 3-way combo or 6-way combo play type as described below.

(e) A player who selects the box play type or the straight/box play type and who elects to use the quick pick feature will not be able to select the type of box play. The type of box play will be determined by whether the quick pick numbers selected by the terminal comprise a 3-way or 6-way box combination as described below.

(f) Players may play future consecutive drawings within a fourteen (14)-day period or non-consecutive drawings within a seven-day period by using the "advance play" feature. To use the advance play feature, players may either mark the play slip or tell the retailer the advance play selections they desire. For purposes of this paragraph (1)(f), both a fourteen (14)-day and a seven (7)-day period begin on the date of the next scheduled CASH 3 drawing and continue through the next thirteen (13)/six (6) consecutive days. The advance play options are described more fully in subparagraphs 1. and 2. below.

1. Advance Play by Play Slip. Advance play selections made on a play slip are for consecutive drawings only. Players shall mark the desired number of consecutive drawings in the "Days" section of the play slip. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-E) played. Advance Play does not apply to Grouper or Quick Picks.

2. Advance Play by Telling the Retailer. Players shall specify to the retailer their desired selections in one of the following advance play parameters:

a. Any single day in a seven (7)-day period;

b. Any two (2) non-consecutive days in a seven (7)-day period;

c. Any two (2) or more consecutive days in a seven (7)-day period, not including the current drawing.

d. Up to fourteen (14) consecutive days, including the current drawing.

(g) CASH 3 can be played and won as follows:

1. "Straight" play. In a straight play, if a player's digits are drawn in the exact order as they were chosen by the player, the player wins \$250.00 for a 50-cent play or \$500 for a \$1.00 play.

2. "Box" play. A box play allows a player to win if the player's selections are drawn in any order.

a. A "3-way box" is a play in which the player has selected a number with two (2) identical digits. Therefore, the play involves three (3) combinations; for example, a 122 box covers the combinations 122, 212, and 221, and pays a winner \$80.00 for a 50-cent play or \$160.00 for a \$1.00 play.

b. A "6-way box" is a play in which the player has selected a number in which all three (3) digits are different. Therefore, the play involves six (6) combinations; for example, a 123 box covers the combinations 123, 132, 213, 231, 312, and 321, and pays a winner \$40.00 for a 50-cent play or \$80.00 for a \$1.00 play.

3. "Straight and Box" play. A straight and box play combines a 50-cent straight play and a 50-cent box play for a \$1.00 play.

a. A "Straight and 3-way box" play pays a winner \$330.00 if a player's digits are drawn in the exact order as printed on the player's ticket, or \$80.00 if the player's digits are drawn in any other order.

b. A "Straight and 6-way box" play pays a winner \$290.00 if a player's digits are drawn in the exact order as printed on the ticket, or \$40.00 if the player's digits are drawn in any order.

4. "Combo" play. A combo is a play covering all straight combinations of a 3-digit number and will cost \$1.50 to \$6.00 depending upon the amount played (50 cents or \$1.00) and the number of like digits in the 3-digit number selected.

a. A "3-way combo" is a play in which the player has selected a number with two (2) identical digits. The combo involves three (3) straight play combinations; for example, a 122 combo covers the combinations 122, 212, and 221. A "3-way combo" pays \$250 for a \$1.50 play (\$.50 per combination) or \$500 for a \$3.00 play (\$1.00 per combination).

b. A "6-way combo" is a play in which the player has selected a number in which all three (3) digits are different. The combo involves six (6) straight play combinations; for example, a 123 combo covers the combinations 123, 132, 213, 231, 312, and 321. A "6-way combo" pays \$250 for a \$3.00 play (\$.50 per combination) or \$500 for a \$6.00 play (\$1.00 per combination).

5. “Front Pair” play. A front pair play allows a player to select only two (2) digits and pays \$25.00 for a 50-cent play or \$50.00 for a \$1.00 play if the two (2) digits as printed on the ticket match, in exact order, the first two (2) numbers drawn by the Lottery.

6. “Back Pair” play. A back pair play allows a player to select only two (2) digits and pays \$25.00 for a 50-cent play or \$50.00 for a \$1.00 play if the two (2) digits as printed on the ticket match, in exact order, the last two (2) numbers drawn by the Lottery.

(h) A liability limit of \$10 million is established for CASH 3. When the play of a particular three digit number for a drawing reaches the Lottery’s CASH 3 liability limit of \$10 million, no further ticket sales for any type of play that would involve that three digit number will be allowed for that drawing. In addition, no Front Pair or Back Pair play that involves the first two or last two digits, respectively, of the three digit number will be allowed for that drawing.

(2) CASH 3 Drawings.

(a) CASH 3 drawings are conducted daily.

(b) CASH 3 drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm (“Accountant”) who shall certify to the integrity, security, and fairness of each drawing.

(c) The equipment (ball set(s) and drawing machine(s)) used in a CASH 3 drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery’s Security Division (“Draw Manager”) and the Accountant before and after each drawing.

(d) The equipment shall be configured so that one ball is drawn from each of three units of balls numbered zero through nine.

(e) Once the ball set(s) has been selected and inspected, the selected drawing machine(s) shall be loaded by the Draw Manager and the ball set(s) mixed by the action of an air blower.

(f) Three balls shall be drawn by vacuum action, one (1) each into three (3) separate display devices. The numbers shown on the three (3) balls, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

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

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

(3) CASH 3 Odds of Winning. The odds of winning in CASH 3 are as follows:

<u>(a) Straight</u>	<u>1 in 1000</u>
<u>(b) Box 3-Way</u>	<u>1 in 333.33</u>
<u>(c) Box 6-Way</u>	<u>1 in 166.67</u>
<u>(d) Straight and Box 3-Way</u>	<u>1 in 1000 and 1 in 333.33</u>
<u>(e) Straight and Box 6-Way</u>	<u>1 in 1000 and 1 in 166.67</u>
<u>(f) Combo 3-Way</u>	<u>1 in 333.33</u>
<u>(g) Combo 6-Way</u>	<u>1 in 166.67</u>
<u>(h) Front Pair</u>	<u>1 in 100</u>
<u>(i) Back Pair</u>	<u>1 in 100.</u>

(4) CASH 3 Rules and Prohibitions.

(a) By purchasing a CASH 3 ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) CASH 3 prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

(d) Subject to a retailer’s hours of operation and on-line system availability, CASH 3 lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight, Eastern Time (ET).

(e) The scheduled time for the daily CASH 3 drawing is approximately 7:57 p.m., ET. Ticket sales for a specific CASH 3 drawing will close approximately ten (10) minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next CASH 3 draw date unless the player specifies another CASH 3 draw date within the selection parameters.

(f) Retailer cancellations of CASH 3 tickets can only be performed by the retailer who sold the ticket, using the selling terminal’s optical mark reader, and within two (2) hours after printing, except that no CASH 3 ticket can be cancelled after game close for the related drawing. The two (2)-hour ticket cancellation period may be reduced due to the selling retailer’s hours of business operation, the hours of on-line system availability, or the time of the related CASH 3 close of game.

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

(5) This emergency rule supersedes Chapter 53-30, Florida Administrative Code.

Specific Authority 24.105(2),(9)(a),(b),(c),(d),(e),(f),(h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(2),(9)(a),(b),(c),(d),(e),(f),(h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History—New 1-31-05.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: PLAY 4™

RULE NO.: 53ER05-23

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the conduct of PLAY 4™.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-23 PLAY 4™.

(1) How to Play PLAY 4™.

(a) PLAY 4 is a lottery on-line game in which a player must select any four (4)-digit number from 0000 through 9999 inclusive. The digits may be the same or different; for example, 1111, 1212, and 1348 are all valid selections.

(b) Players may choose play amounts of \$.50 or \$1.00 per play, per drawing, for a total of \$.50, \$1.00, \$2.00, \$3.00, \$4.00, \$6.00, \$12.00, or \$24.00, depending upon the play type selected and number of combinations covered.

(c) Players may make their PLAY 4 ticket selections by marking a play slip or by telling the retailer their desired selections.

1. There are five panels on a play slip. Players electing to use a play slip to make their PLAY 4 ticket selections must mark the play type, play amount, and four numbers (or mark the “Quick Pick” box located at the bottom of each panel for the terminal to randomly select one (1) or more of the four (4) numbers) for each panel played. A “Void” box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel.

a. Players may mark the “Grouper™” box to receive six (6) quick pick tickets for \$5.00 consisting of one (1) ticket each of CASH 3™, PLAY4™, FANTASY 5®, MEGA MONEY™, and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5, MEGA MONEY or FLORIDA LOTTO. Players may mark Grouper in addition to panel plays and/or Quick Picks. Tickets in Grouper play cannot be player-selected and cannot be cancelled. Grouper play may also be selected by telling the retailer.

b. Players may mark the \$5 “Quick Picks” box to receive five (5) \$1.00 tickets each with one (1) set of four (4) randomly selected numbers (straight play) for the next PLAY 4 drawing, or may mark the \$10 “Quick Picks” box to receive ten (10) \$1.00 tickets each with one (1) set of four (4) randomly selected numbers (straight play) for the next PLAY 4 drawing. Players may mark Quick Picks in addition to panel plays and/or Grouper.

Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket.

2. Players electing to make their PLAY 4 ticket selections by telling the retailer may specify to the retailer the play type, play amount and their four (4) desired number selections (or tell the retailer they desire to use the quick pick feature for the terminal to randomly select one (1) or more of the four (4) numbers). The terminal defaults to straight play and to a \$1.00 play amount if the play type and play amount are not specified by the player in conjunction with the selection of the quick pick feature.

(d) A player who selects the combo play type and who elects to use the quick pick feature will not be able to select the total cost of the ticket. The total cost will be determined by whether the quick pick numbers selected by the terminal comprise a 4-way combo, 6-way combo, 12-way combo, or 24-way combo play type as described below.

(e) A player who selects the box play type or the straight/box play type and who elects to use the quick pick feature will not be able to select the type of box play. The type of box play will be determined by whether the quick pick numbers selected by the terminal comprise a 4-way box, 6-way box, 12-way box, or 24-way box combination as described below.

(f) Players may play future consecutive drawings within a fourteen (14)-day period or non-consecutive drawings within a seven (7)-day period by using the “advance play” feature. To use the advance play feature, players may either mark the play slip or tell the retailer the advance play selections they desire. For purposes of this paragraph (1)(f) both a fourteen (14)-day and a seven (7)-day period begin on the date of the next scheduled PLAY 4 drawing and continue through the next thirteen (13)/six (6) consecutive days. The advance play options are described more fully in subparagraphs 1. and 2. below.

1. Advance Play by Play Slip. Advance play selections made on a play slip are for consecutive drawings only. Players shall mark the number of consecutive drawings in the “Days” section of the play slip. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-E) played. Advance play does not apply to Grouper or Quick Picks.

2. Advance Play by Telling the Retailer. Players shall specify to the retailer their desired selections in one (1) of the following advance play parameters:

a. Any single day in a seven (7)-day period;

b. Any two (2) non-consecutive days in a seven (7)-day period;

c. Any two (2) or more consecutive days in a seven (7)-day period, not including the current drawing.

d. Up to fourteen (14) consecutive days, including the current draw.

(g) PLAY 4 can be played and won as follows:

1. “Straight” play. In a straight play, if a player’s digits are drawn in the exact order as they were chosen by the player, the player wins \$2,500 for a 50-cent play or \$5,000 for a \$1.00 play.

2. “Box” play. A box play allows a player to win if the player’s selections are drawn in any order.

a. A “4-way box” is a play in which the player has selected a number with three (3) identical digits. Therefore, the play involves four (4) combinations; for example, a 1112 box covers the combinations 1112, 1121, 1211 and 2111, and pays a winner \$599 for a 50-cent play or \$1,198 for a \$1.00 play.

b. A “6-way box” is a play in which the player has selected a number with pairs of two (2) unique digits. Therefore, the play involves six (6) combinations; for example, a 1122 box covers the combinations 1122, 1212, 1221, 2112, 2121, and 2211, and pays a winner \$400 for a 50-cent play or \$800 for a \$1.00 play.

c. A “12-way box” is a play in which the player has selected a number with two (2) identical digits. Therefore, the play involves twelve (12) combinations; for example, a 1123 box covers the combinations 1123, 1132, 1213, 1231, 1312, 1321, 2113, 2131, 2311, 3112, 3121, and 3211, and pays a winner \$200 for a 50-cent play or \$400 for a \$1.00 play.

d. A “24-way box” is a play in which the player has selected a number with four (4) unique digits. Therefore, the play involves twenty-four (24) combinations; for example, a 1234 box covers the combinations 1234, 1243, 1324, 1342, 1423, 1432, 2134, 2143, 2314, 2341, 2413, 2431, 3124, 3142, 3214, 3241, 3412, 3421, 4123, 4132, 4213, 4231, 4312, and 4321, and pays a winner \$100 for a 50-cent play or \$200 for a \$1.00 play.

3. “Straight and Box” play. A straight and box play combines a 50-cent straight play and a 50-cent box play for a \$1.00 play.

a. A “Straight and 4-way box” play pays a winner \$3,099 if a player’s digits are drawn in the exact order as printed on the player’s ticket, or \$599 if the player’s digits are drawn in any other order.

b. A “Straight and 6-way box” play pays a winner \$2,900 if a player’s digits are drawn in the exact order as printed on the player’s ticket, or \$400 if the player’s digits are drawn in any other order.

c. A “Straight and 12-way box” play pays a winner \$2,700 if a player’s digits are drawn in the exact order as printed on the player’s ticket, or \$200 if the player’s digits are drawn in any other order.

d. A “Straight and 24-way box” play pays a winner \$2,600 if a player’s digits are drawn in the exact order as printed on the player’s ticket, or \$100 if the player’s digits are drawn in any other order.

4. “Combo” play. A combo is a play covering all straight combinations of a four (4)-digit number and will cost \$2.00 to \$24.00 depending upon the amount played (50 cents or \$1.00) and the number of like digits in the four (4)-digit number selected.

a. A “4-way combo” is a play in which the player has selected a number with three (3) identical digits. The 4-way combo is comprised of four (4) straight play combinations; for example, a 1112 4-way combo covers the combinations 1112, 1121, 1211, and 2111 and pays a winner \$2,500 for a \$2.00 play or \$5,000 for a \$4.00 play.

b. A “6-way combo” is a play in which the player has selected a number with two (2) pairs of unique digits. The 6-way combo is comprised of six (6) straight play combinations; for example, a 1122 6-way combo covers the combinations 1122, 1212, 1221, 2112, 2121, and 2211, and pays a winner \$2,500 for a \$3.00 play or \$5,000 for a \$6.00 play.

c. A “12-way combo” is a play in which the player has selected a number with two (2) identical digits. The 12-way combo is comprised of twelve (12) straight play combinations; for example, a 1123 12-way combo covers combinations 1123, 1132, 1213, 1231, 1312, 1321, 2113, 2131, 2311, 3112, 3121, and 3211, and pays a winner \$2,500 for a \$6.00 play or \$5,000 for a \$12.00 play.

d. A “24-way combo” is a play in which the player has selected a number with four (4) unique digits. The 24-way combo is comprised of twenty-four (24) straight play combinations; for example, a 1234 24-way combo covers the combinations 1234, 1243, 1324, 1342, 1423, 1432, 2134, 2143, 2314, 2341, 2413, 2431, 3124, 3142, 3214, 3241, 3412, 3421, 4123, 4132, 4213, 4231, 4312, and 4321, and pays a winner \$2,500 for a \$12.00 play or \$5,000 for a \$24.00 play.

5. “Front Pair” play. A front pair play allows a player to select only two (2) digits and pays \$25.00 for a 50-cent play or \$50.00 for a \$1.00 play if the two (2) digits as printed on the ticket match, in exact order, the first two (2) numbers drawn by the Lottery.

6. “Mid Pair” play. A mid pair play allows a player to select only two (2) digits and pays \$25.00 for a 50-cent play or \$50.00 for a \$1.00 play if the two (2) digits as printed on the ticket match, in exact order, the middle two (2) numbers drawn by the Lottery.

7. “Back Pair” play. A back pair play allows a player to select only two (2) digits and pays \$25.00 for a 50-cent play or \$50.00 for a \$1.00 play if the two (2) digits as printed on the ticket match, in exact order, the last two (2) numbers drawn by the Lottery.

(h) A liability limit of \$5 million is established for PLAY 4. When the play of a particular four digit number for a drawing reaches the Lottery’s PLAY 4 liability limit of \$5 million, no further ticket sales for any type of play that would involve that four digit number will be allowed for that drawing.

(2) PLAY 4 Drawings.

(a) PLAY 4 drawings are conducted daily.

(b) PLAY 4 drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm (“Accountant”) who shall certify to the integrity, security, and fairness of each drawing.

(c) The equipment (ball set(s) and drawing machine(s)) used in a PLAY 4 drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery’s Security Division (“Draw Manager”) and the Accountant before and after each drawing.

(d) The equipment shall be configured so that one ball is drawn from each of four units of balls numbered zero through nine.

(e) Once the ball set(s) has been selected and inspected, the selected drawing machine(s) shall be loaded by the Draw Manager, and the ball set(s) mixed by the action of an air blower.

(f) Four balls shall be drawn by vacuum action, one each into four separate display devices. The numbers shown on the four balls, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

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

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

(3) PLAY 4 Odds of Winning. The odds of winning in PLAY 4 are as follows:

(a) <u>Straight</u>	<u>1 in 10,000</u>
(b) <u>Box 4-Way</u>	<u>1 in 2,500</u>
(c) <u>Box 6-Way</u>	<u>1 in 1,666.67</u>
(d) <u>Box 12-Way</u>	<u>1 in 833.33</u>
(e) <u>Box 24-Way</u>	<u>1 in 416.67</u>
(f) <u>Straight/ Box 4-Way</u>	<u>1 in 10,000 and 1 in 2,500</u>
(g) <u>Straight/ Box 6-Way</u>	<u>1 in 10,000 and 1 in 1,666.67</u>
(h) <u>Straight/ Box 12-Way</u>	<u>1 in 10,000 and 1 in 833.33</u>
(i) <u>Straight/ Box 24-Way</u>	<u>1 in 10,000 and 1 in 416.67</u>
(j) <u>Combo 4-Way</u>	<u>1 in 2,500</u>
(k) <u>Combo 6-Way</u>	<u>1 in 1,666.67</u>
(l) <u>Combo 12-Way</u>	<u>1 in 833.33</u>
(m) <u>Combo 24-Way</u>	<u>1 in 416.67</u>
(n) <u>Front Pair</u>	<u>1 in 100</u>
(o) <u>Middle Pair</u>	<u>1 in 100</u>
(p) <u>Back Pair</u>	<u>1 in 100</u>

(4) PLAY 4 Rules and Prohibitions.

(a) By purchasing a PLAY 4 ticket a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) PLAY 4 prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

(d) Subject to a retailer’s hours of operation and on-line system availability, PLAY 4 lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight, Eastern Time (ET).

(e) The scheduled time for the daily PLAY 4 drawing is approximately 7:57 p.m., ET. Ticket sales for a specific PLAY 4 drawing will close approximately ten (10) minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next PLAY 4 draw date unless the player specifies another PLAY 4 draw date within the selection parameters.

(f) Retailer cancellations of PLAY 4 tickets can only be performed by the retailer who sold the ticket, using the selling terminal’s optical mark reader, and within two (2) hours after printing, except that no PLAY 4 ticket shall be cancelled after close of game for the related drawing. The two (2)-hour ticket cancellation period may be reduced due to the selling retailer’s hours of business operation, the hours of on-line system availability, or the time of the related PLAY 4 close of game.

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

(5) This emergency rule supersedes Chapter 53-31, Florida Administrative Code.

Specific Authority 24.105(2),(9)(a),(b),(c),(d),(e),(f),(h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(2),(9)(a),(b),(c),(d),(e),(f),(h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History--New 1-31-05.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: FANTASY 5® RULE NO.: 53ER05-24

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the conduct of FANTASY 5®.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-24 FANTASY 5®.

(1) How to Play FANTASY 5®.

(a) FANTASY 5 is a lottery on-line game in which players select five (5) numbers from a field of one (1) to thirty-six (36).

(b) Players may make their FANTASY 5 ticket selections by marking a play slip or by telling the retailer their desired selections. There are ten (10) panels on a play slip. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting five (5) numbers from each panel played, or may mark the "Quick Pick" box located at the bottom of each panel for the terminal to randomly select one (1) or more of the five (5) numbers. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel.

1. Players may mark the "Grouper™" box to receive six (6) quick pick tickets for \$5.00 consisting of one (1) ticket each of CASH 3™, PLAY4™, FANTASY 5®, MEGA MONEY™, and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5, MEGA MONEY or FLORIDA LOTTO. Players may mark

Grouper in addition to panel plays and/or Quick Picks. Tickets in Grouper play cannot be player-selected and cannot be cancelled. Grouper play may also be selected by telling the retailer.

2. Players may mark the \$5 "Quick Picks" box to receive one (1) ticket with five (5) sets of five (5) randomly selected numbers for the next FANTASY 5 drawing; or may mark the \$10 "Quick Picks" box to receive one (1) ticket with ten (10) sets of five (5) randomly selected numbers for the next FANTASY 5 drawing. Players may mark Quick Picks in addition to panel plays and/or Grouper. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(c) Players may play up to thirty (30) consecutive FANTASY 5 drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-J) played. Advance play does not apply to Grouper or Quick Picks.

(2) FANTASY 5 Drawings.

(a) FANTASY 5 drawings shall be conducted daily.

(b) FANTASY 5 drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm ("Accountant") who shall certify to the integrity, security, and fairness of each drawing.

(c) The equipment (ball set and drawing machine) used in a FANTASY 5 drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing.

(d) The equipment shall be configured so that five balls are drawn from one (1) set of balls numbered one (1) through thirty-six (36).

(e) Once a ball set has been selected and inspected, the selected drawing machine shall be loaded by the Draw Manager and the ball set mixed by the action of an air blower.

(f) Five (5) balls shall be drawn by vacuum action into the display devices. The numbers shown on the five (5) balls, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

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

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

(3) FANTASY 5 Prize Divisions.

(a) FANTASY 5 is a pari-mutuel game. For each draw, fifty percent (50%) of the gross revenue shall be allocated as the winning pool for payment of the top prize, second prize and third prize. Free FANTASY 5 tickets issued as a fourth prize shall not be included in gross revenue calculations.

(b) The top prize pool shall consist of sixty-two percent (62%) of the winning pool for the drawing plus any money carried forward from the previous draw. Prize money allocated to the top prize pool shall be divided equally among the players who match all five (5) official winning numbers. If there is no top prize winner in a drawing, the top prize pool shall roll down and be added to the second prize pool for that FANTASY 5 drawing.

(c) The second prize pool shall consist of ten percent (10%) of the winning pool for the drawing plus any money rolled down from the top prize. The second prize pool shall be divided equally among the players matching four (4) of five (5) official winning numbers. If there is no winner in the second prize category for a drawing, the second prize pool shall be carried over and added to the top prize pool of the next FANTASY 5 drawing.

(d) The third prize pool shall consist of twenty-eight percent (28%) of the winning pool for the drawing. The third prize pool shall be divided equally among the players matching three (3) of five (5) official winning numbers. If there is no winner in the third prize category for a drawing, the third prize pool is carried over and added to the top prize pool of the next FANTASY 5 drawing.

(e) A fourth prize shall consist of one (1) free FANTASY 5 quick pick ticket (\$1.00 value), except as follows. A player who submits by mail a FANTASY 5 lottery ticket which entitles the claimant to a free FANTASY 5 quick pick ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket. Fourth prizes shall not utilize any portion of the winning pool for the drawing. A free FANTASY 5 quick pick ticket shall be for the next FANTASY 5 drawing after the ticket is validated.

(f) Except for the top prize, which will pay the exact amount, cash prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the third prize shall not be less than \$3.50. All rounding differences in the second and third prizes will be used to fund future prizes in Lottery games or for special Lottery prize promotions.

(4) Determination of Prize Winners. In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E, F, G, H, I or J) must match the official winning FANTASY 5 numbers in any order for the draw date for which the ticket was purchased. The prizes are set forth as follows:

(a) Top Prize: Five (5) of five (5) official winning numbers.

(b) Second Prize: Four (4) of five (5) official winning numbers.

(c) Third Prize: Three (3) of five (5) official winning numbers.

(d) Fourth Prize: Two (2) of five (5) official winning numbers.

(5) FANTASY 5 Odds of Winning. The odds of winning the prizes described above are as follows:

(a) Top Prize – 1:376.992

(b) Second Prize – 1:2,432.21

(c) Third Prize – 1:81.07

(d) Fourth Prize – 1:8.39

(e) The overall odds of winning a prize in a FANTASY 5 drawing are 1:7.58.

(6) FANTASY 5 Rules and Prohibitions.

(a) By purchasing a FANTASY 5 ticket, a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) FANTASY 5 prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

(d) Subject to a retailer's hours of operation and on-line system availability, FANTASY 5 lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight, Eastern Time (ET).

(e) The scheduled time for the daily FANTASY 5 drawing is approximately 11:15 p.m., ET. Ticket sales for a specific FANTASY 5 drawing will close approximately thirty-five (35) minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next FANTASY 5 draw date.

(f) Retailer cancellations of FANTASY 5 tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours after printing, except that no FANTASY 5 ticket can be cancelled after game close for the related drawing and no fourth prize (free FANTASY 5 quick pick ticket) can be cancelled at any time. The two (2)-hour ticket cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related FANTASY 5 close of game.

(g) It is the responsibility of the player to determine the accuracy of selected panels of numbers and draw date(s) on a ticket. In the event that a ticket given to the player by the retailer contains selections that are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and

upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a cancelable FANTASY 5 ticket produced upon request of the player by the quick pick method of number selection.

(7) This emergency rule supersedes Chapter 53-29, Florida Administrative Code.

Specific Authority 24.105(2),(9)(a),(b),(c),(d),(e),(f),(h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(2),(9)(a),(b),(c),(d),(e),(f),(h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History—New 1-31-05.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: MEGA MONEY™ RULE NO.: 53ER05-25

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the conduct of MEGA MONEY™ and replaces Emergency Rule 53ER04-60.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-25 MEGA MONEY™.

(1) How to Play MEGA MONEY™.

(a) MEGA MONEY is a lottery on-line game in which players select four (4) numbers from a field of one (1) through forty-four (44) and one (1) MEGABALL® number from a separate field of one (1) through twenty-two (22).

(b) Players may make their MEGA MONEY ticket selections by marking a play slip or by telling the retailer their desired selections. There are five (5) panels on a play slip, each containing an upper play area and a lower play area. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting five (5) numbers (four (4) in the upper play area and one (1) in the lower play area) from each panel played, or may mark the “Quick Pick” box located at the bottom of each panel for the terminal to randomly select any or all of the five numbers from either or both play areas. A “Void” box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. For each panel played, the first four of the five numbers appearing in a single horizontal row on a MEGA MONEY ticket shall be the numbers selected from the upper play area of the play slip and the last number shall be the MEGABALL number selected from lower play area of the play slip.

1. Players may mark the “Grouper™” box to receive six (6) quick pick tickets for \$5.00 consisting of one (1) ticket each of CASH 3™, PLAY4™, FANTASY 5®, MEGA MONEY™, and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5, MEGA MONEY or FLORIDA LOTTO. Players may mark Grouper in addition to panel plays and/or Quick Picks. Tickets in Grouper play are not player-selected and cannot be cancelled. Grouper play may also be selected by telling the retailer.

2. Players may mark the \$5 “Quick Picks” box to receive one (1) ticket with five (5) sets of five (5) randomly selected numbers for the next MEGA MONEY drawing, or may mark the \$10 “Quick Picks” box to receive one (1) ticket with ten (10) sets of five (5) randomly selected numbers for the next MEGA MONEY drawing. Players may mark Quick Picks in addition to panel plays and/or Grouper.

Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(c) Players may play up to thirty consecutive MEGA MONEY drawings by using the “advance play” feature. To use the advance play feature, players may either mark the number of drawings desired in the “Advance Play” section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-E) played. Advance play does not apply to Grouper or Quick Picks.

(2) MEGA MONEY Drawings.

(a) MEGA MONEY drawings shall be conducted two (2) times per week, on Tuesday and Friday.

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

(c) The equipment (one (1) ball set and one (1) drawing machine) used in a MEGA MONEY drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery’s Security Division (“Draw Manager”) and the Accountant before and after each drawing.

(d) A ball set contains sixty-six (66) balls comprised of one (1) subset of forty-four (44) balls (“subset 1”) and one (1) subset of twenty-two (22) balls (“subset 2”). The balls in subset 1 are numbered one (1) through forty-four (44). The balls in subset 2 are numbered one (1) through twenty-two (22). A MEGA MONEY drawing machine contains two (2) separate mixing chambers and two (2) ball display devices.

(e) Once a set of balls has been selected and inspected, the selected MEGA MONEY drawing machine shall be loaded by the Draw Manager by placing each subset of balls into its mixing chamber. The two (2) subsets of balls shall be mixed by the action of an air blower.

(f) Four (4) balls from subset 1 and one (1) MEGABALL from subset 2 are drawn by vacuum action into their respective display device. The numbers shown on the four (4) balls and the number shown on the MEGABALL, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

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

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

(3) Determination of Prize Winners.

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

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

1. Jackpot Prize: Four (4) numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

2. Second Prize: Four numbers (4) selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

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

4. Fourth Prize: Three (3) numbers selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

5. Fifth Prize: Two (2) numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

6. Sixth Prize: One (1) number selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

7. Seventh Prize: Two (2) numbers selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

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

(4) MEGA MONEY Odds of Winning.

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

1. Jackpot Prize – 1:2,986,522.00

2. Second Prize – 1:142,215.33

3. Third Prize – 1:18,665.76

4. Fourth Prize – 1:888.85

5. Fifth Prize – 1:638.15

6. Sixth Prize – 1:75.57

7. Seventh Prize- 1:30.39

8. Eighth Prize- 1:32.68

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

(5) MEGA MONEY Prize Divisions.

(a) MEGA MONEY is a pari-mutuel game. For each draw, fifty percent (50%) of the net sales after cancels and promotional plays shall be allocated as the winning pool for the payment of the jackpot prize, second prize, third prize, fourth prize, fifth prize, sixth prize and seventh prize. Free MEGA MONEY tickets issued as an eighth prize shall not be included in gross revenue calculations.

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

1. If there is a jackpot prize winner(s) in a drawing and the jackpot prize pool is not capped, the prize money allocated to the jackpot prize pool shall be divided equally among the jackpot prize winners for that drawing, subject to paragraph (6)(b) below.

2. If there is a jackpot prize winner(s) in a drawing in which the jackpot prize pool is capped, the jackpot prize pool shall be divided equally among the jackpot prize winners for that drawing, subject to paragraph (6)(c) below.

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

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

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

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

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

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

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

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

(i) Eighth Prize.

1. An eighth prize shall consist of one free MEGA MONEY quick pick ticket (\$1.00 value), except as provided in subparagraph (5)(i)2. below. An eighth prize shall consist of one (1) free MEGA MONEY quick pick ticket regardless of

whether the MEGA MONEY jackpot prize pool is capped. Eighth prizes shall not utilize any portion of the winning prize pool or adjusted prize pool for the drawing.

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

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

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

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

(6) MEGA MONEY Estimated Jackpot.

(a) For each drawing the Lottery will announce the estimated deferred payment value of the MEGA MONEY jackpot that can be won by a single player, based upon the estimated cash value of the jackpot pool determined by projected and historical sales figures, current interest rates, and funds from rollovers. For each MEGA MONEY drawing, the deferred payment value of the MEGA MONEY jackpot prize that can be won by a single player shall be guaranteed at a minimum of \$500,000 paid over twenty (20) years except as set forth in subparagraph (7)(d)3. below.

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

(c) In the event the cash available in the jackpot prize pool is insufficient at the time the ticket is submitted for payment to yield \$2 million paid over twenty (20) years on an announced

jackpot prize of \$2 million, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the jackpot prize pool to render it sufficient.

(7) MEGA MONEY Payment Options.

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

(b) Jackpot prize winners have sixty days after the winning draw date to choose between the two payment options. Once the jackpot prize winner signs the Winner Claim Form and exercises the winner’s chosen option, the election of that option shall be final. Winner Claim Form DOL-173-2, Revised 10/03, and Spanish Winner Claim Form DOL 173-S, Revised 10/03, are incorporated herein by reference and may be obtained from any Lottery retailer, Lottery office, or from the Lottery’s web site at www.flalottery.com. In order to select the Cash Option, the jackpot prize winner must submit his or her ticket for payment within sixty days after the winning draw date. If the jackpot prize winner does not file a claim electing the Cash Option within sixty days after the winning draw date, the Annual Payment option will be applied, except as provided in paragraph (7)(e) below.

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

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

2. The minimum amount of the cash option payment to a single winner in a MEGA MONEY drawing in which the jackpot prize was announced at \$2 million will be the amount required at the time the ticket is submitted for payment to purchase securities to fund \$2 million paid over twenty (20) years, less applicable withholding taxes. The minimum amount of the cash option payment to multiple winners will be their pro rata share of the amount required at the time the ticket is submitted for payment to purchase securities to fund \$2 million paid over twenty (20) years, less applicable withholding taxes.

(d) If a jackpot prize winner elects the Annual Payment option, his or her portion of the amount in the jackpot prize pool will be invested in U.S. Treasury securities to provide an income stream to the winner of twenty (20) annual installments, each less applicable withholding taxes, except as follows:

1. The minimum amount payable to a single winner over twenty (20) years will be \$500,000, less applicable withholding taxes, except as set forth in subparagraph (7)(d)3. below. The minimum amount payable to multiple winners over twenty (20) years will be their pro rata share of \$500,000, less applicable withholding taxes, except as set forth in subparagraph (7)(d)3. below.

2. If a jackpot prize winner elects the Annual Payment option in a MEGA MONEY drawing in which the jackpot prize is announced at \$2 million, his or her portion of the jackpot prize pool will be invested in U.S. Treasury securities to provide an income stream to the winner of twenty (20) annual installments, each less applicable withholding taxes, subject to paragraph (6)(c) above and except as set forth in subparagraph (7)(d)3. below. Available cash in the jackpot prize pool that cannot be invested in increments of \$1,000 in twenty (20) installments is deemed “excess cash” and will be paid to the winner in the first payment. See Example 1 below.

3. If the prize amount per winner in a MEGA MONEY drawing in which the jackpot prize is guaranteed at \$500,000 or announced at \$2 million cannot be paid in increments of \$1,000 in twenty (20) installments, the winner’s share of the prize pool will be invested in U.S. Treasury securities that will yield the maximum amount possible over twenty (20) years as can be reached in increments of \$1,000. If the amount the investment will yield is less than the guaranteed prize amount, the present value of the difference between the amount the investment will yield and the winner’s guaranteed prize amount over twenty (20) years will be paid to the winner in the first payment. See Example 2 below. If the amount the investment will yield is greater than the guaranteed prize amount, the excess cash in the jackpot prize pool that cannot be invested in increments of \$1,000 in twenty (20) installments will be paid to the winner in the first payment.

See Example 3 below.

The following examples illustrate such payments. All payment amounts are less tax withholding.

<u>Example 1:</u>	<u>Announced Jackpot prize</u>	<u>\$2,000,000</u>
	<u>Prize Pool available for investment</u>	<u>\$1,315,769</u>
	<u>Number of winners</u>	<u>1</u>
	<u>Investment Yield (Actual Jackpot)</u>	<u>\$2,015,000</u>
	<u>Per year payment</u>	
	<u>(\$2,015,000 ÷ 20)</u>	<u>\$ 100,750</u>
	<u>Cash required to purchase</u>	
	<u>20 payments of \$100,000</u>	<u>\$1,307,769</u>
	<u>Excess Cash</u>	
	<u>(\$1,315,769-\$1,307,769)</u>	<u>\$ 8,000</u>
	<u>First payment</u>	
	<u>(\$100,000 + \$8,000)</u>	<u>\$ 108,000</u>
	<u>Next 19 annual payments</u>	<u>\$ 100,000</u>

<u>Example 2:</u>	<u>Guaranteed Jackpot prize</u>	<u>\$ 500,000</u>
	<u>Prize Pool available for investment</u>	<u>\$ 335,000</u>
	<u>Number of winners:</u>	<u>2</u>
	<u>Guaranteed prize per winner</u> <u>(\$500,000 ÷ 2)</u>	<u>\$ 250,000</u>
	<u>Pro rata share of</u> <u>Prize Pool (\$335,000 ÷ 2)</u>	<u>\$ 167,500</u>
	<u>Maximum investment yield in</u> <u>increments of \$1,000</u>	<u>\$ 240,000</u>
	<u>First payment (\$240,000 ÷ 20)</u>	<u>\$ 12,000 +</u> <u>Present Value of \$10,000 (\$250,000</u> <u>-\$240,000) annuitized over 20 years</u>
	<u>Next 19 annual payments</u>	<u>\$ 12,000</u>
<u>Example 3:</u>	<u>Announced Jackpot prize</u>	<u>\$2,000,000</u>
	<u>Prize Pool available for investment</u>	<u>\$1,315,769</u>
	<u>Number of winners: 3</u>	
	<u>Prize per winner</u> <u>(\$2,000,000 ÷ 3)</u>	<u>\$666,666.67</u>
	<u>Pro rata share of Prize</u> <u>Pool (\$1,315,769 ÷ 3)</u>	<u>\$438,589.67</u>
	<u>Investment Yield (Actual Jackpot)</u>	<u>\$2,020,000</u>
	<u>Pro rata share of Actual Jackpot</u> <u>(\$2,020,000 ÷ 3)</u>	<u>\$673,333.33</u>
	<u>Per year payment</u> <u>(\$673,333.33 ÷ 20)</u>	<u>\$33,666.67</u>
	<u>Cash required to purchase</u> <u>20 payments of \$33,000</u>	<u>\$429,902.80</u>
	<u>Excess Cash</u> <u>(\$438,589.67-\$429,902.80)</u>	<u>\$ 8,686.87</u>
	<u>First payment</u> <u>(\$33,000 + \$8,686.87)</u>	<u>\$41,686.87</u>
	<u>Next 19 annual payments</u>	<u>\$ 33,000</u>

4. The provisions of subparagraph (7)(d)3. shall not be construed to prohibit the Lottery from investing collectively, in a single U.S. Treasury security, the prize pool shares of multiple winners of the same drawing who all elect the Annual Payment option, and distributing the prize winnings on a pro rata basis in increments other than \$1,000.

(e) If the cash available in the jackpot pool, including any required supplement as provided in paragraphs (6)(b) and (c) above, is determined on the business day following the drawing to be insufficient to yield at least \$100,000 over twenty (20) years for each winning ticket, the Lottery shall pay the jackpot winner or winners in a single cash payment of their share of the amount in the jackpot pool available for investment determined on the business day following the drawing, less applicable withholding taxes.

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

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

(8) MEGA MONEY Rules and Prohibitions.

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

(b) MEGA MONEY prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

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

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

(f) Retailer cancellations of MEGA MONEY tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours after printing, except that no MEGA MONEY ticket can be cancelled after game close for the related drawing and no eighth prize (free MEGA MONEY quick pick ticket) can be cancelled at any time. The two(2)-hour ticket cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related MEGA MONEY close of game.

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

(9) This emergency rule replaces Emergency Rule 53ER04-60 MEGA M\$NEY®, Florida Administrative Code and supersedes Chapter 53-32, Florida Administrative Code.

Specific Authority 24.105(2),(9)(a),(b),(c),(d),(e),(f),(h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(2),(9)(a),(b),(c),(d),(e),(f),(h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History—New 1-31-05, Replaces 53ER04-60.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: FLORIDA LOTTO™ RULE NO.: 53ER05-26

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the conduct of FLORIDA LOTTO™.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-26 FLORIDA LOTTO™

(1) How to Play FLORIDA LOTTO™

(a) FLORIDA LOTTO is a lottery on-line game in which players select six (6) numbers from a field of one (1) to fifty-three (53).

(b) Players may make their FLORIDA LOTTO ticket selections by marking a play slip or by telling the retailer their desired selections. There are ten (10) panels on a play slip. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting six (6) numbers from each panel played, or may mark the "Quick Pick" box located at the bottom of each panel for the terminal to randomly select one (1) or more of the six (6) numbers. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel.

1. Players may mark the "Grouper™" box to receive six (6) quick pick tickets for \$5.00 consisting of one (1) ticket each of CASH 3™, PLAY4™, FANTASY 5®, MEGA MONEY™, and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5, MEGA MONEY or FLORIDA LOTTO. Players may mark Grouper in addition to panel plays and/or Quick Picks. Tickets in Grouper play cannot be player-selected and cannot be cancelled. Grouper may also be selected by telling the retailer.

2. Players may mark the \$5 "Quick Picks" box to receive one (1) ticket with five (5) sets of six (6) randomly selected numbers for the next FLORIDA LOTTO drawing; or may mark the \$10 "Quick Picks" box to receive one (1) ticket with ten (10) sets of six (6) randomly selected numbers for the next FLORIDA LOTTO drawing; or may mark the \$20 "Quick Picks" box to receive two (2) tickets with ten (10) sets of six (6) randomly selected numbers for the next FLORIDA LOTTO drawing. Players may mark Quick Picks in addition to panel plays and/or Grouper. Players must use only blue or black ink

or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers are authorized to manually enter numbers selected by a player.

(c) Players may play up to fifty-two (52) consecutive FLORIDA LOTTO drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel played. The number of consecutive advance drawings selected shall apply to each panel (A-J) played. Advance play does not apply to Grouper or Quick Picks.

(2) FLORIDA LOTTO Drawings.

(a) FLORIDA LOTTO drawings shall be conducted twice per week, on Wednesday and Saturday.

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

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

(d) The equipment shall be configured so that six (6) balls are drawn from one (1) set of balls numbered one (1) through fifty-three (53).

(e) Once the ball set has been selected and inspected, the selected drawing machine shall be loaded by the Draw Manager and the ball set mixed by the action of an air blower.

(f) Six (6) balls shall be drawn by vacuum action into the display devices. The numbers shown on the six (6) balls, after certification by the Draw Manager and the Accountant, are the official winning numbers for the drawing.

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

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

(3) FLORIDA LOTTO Prize Divisions.

(a) FLORIDA LOTTO is a pari-mutuel game. For each draw, 50 percent (50%) of the gross revenue from the sale of FLORIDA LOTTO tickets in the corresponding FLORIDA LOTTO sales period shall be allocated as the winning pool for the payment of prizes as provided below.

(b) The Jackpot prize pool shall consist of 63.5 percent (63.5%) of the winning pool for the drawing plus any Jackpot money carried forward from the previous draws. The Jackpot prize shall be divided equally among the players matching all six official winning numbers. If there is no Jackpot winner in a drawing, the Jackpot pool shall be carried over and added to the Jackpot pool of the next FLORIDA LOTTO drawing.

(c) The second prize pool shall consist of 12.3 percent (12.3%) of the winning pool for the drawing. The second prize pool shall be divided equally among the players matching five (5) of the six (6) official winning numbers. If there is no winner in the second prize category for a drawing, the second prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(d) The third prize pool shall consist of 10 percent (10%) of the winning pool for the drawing. The third prize pool shall be divided equally among the players matching four (4) of the six (6) official winning numbers. If there is no winner in the third prize category for a drawing, the third prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(e) The fourth prize pool shall consist of 14.2 percent (14.2%) of the winning pool for the drawing. The fourth prize pool shall be divided equally among the players matching three (3) of the six (6) official winning numbers. If there is no winner in the fourth prize category for a drawing, the fourth prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(f) Except for the Jackpot prize which will pay the exact amount, the second, third and fourth prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the fourth prize shall be no less than \$3.50. All rounding differences in the second, third and fourth prizes shall be used to fund future prizes in Lottery games or for special Lottery prize promotions.

(4) Determination of Prize Winners. In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E, F, G, H, I, or J) must match the official winning FLORIDA LOTTO numbers in any order for the draw date for which the ticket was purchased. The prizes are set forth as follows:

- (a) Jackpot Prize: Six of six official winning numbers.
- (b) Second Prize: Five of six official winning numbers.
- (c) Third Prize: Four of six official winning numbers.
- (d) Fourth Prize: Three of six official winning numbers.
- (5) FLORIDA LOTTO Odds of Winning.

The odds of winning the prizes described in subsection (4) are as follows:

- (a) Jackpot Prize – 1:22,957,480.
- (b) Second Prize – 1:81,409.50.
- (c) Third Prize – 1:1,415.82.
- (d) Fourth Prize – 1:70.79.

(e) The overall odds of winning a prize in a FLORIDA LOTTO drawing are 1:67.36.

(6) FLORIDA LOTTO Rules and Prohibitions.

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

(b) FLORIDA LOTTO prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

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

(e) The scheduled time for the Wednesday and Saturday FLORIDA LOTTO drawings is approximately 11:00 p.m., ET. Ticket sales for a specific FLORIDA LOTTO drawing will close approximately twenty (20) minutes prior to that drawing.

(f) Retailer cancellations of FLORIDA LOTTO tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours after printing, except that no FLORIDA LOTTO ticket shall be cancelled after game close for the related drawing. The two (2)-hour cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related FLORIDA LOTTO close of game. Any ticket sold after the close of game will be printed with the next FLORIDA LOTTO draw date.

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

(7) FLORIDA LOTTO Estimated Jackpot. For each drawing the Lottery will announce the estimated deferred payment value of the Jackpot that can be won by a single player, based upon the estimated cash value of the Jackpot pool determined by projected and historical sales figures, current interest rates, and funds from rollovers, if any. In the event the cash available in the Jackpot pool is insufficient to yield the announced estimated Jackpot value over the designated deferred payment period, the Lottery may add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the Jackpot pool to render it sufficient to yield the announced

estimated Jackpot. Use of unclaimable prize money to increase the Jackpot pool for FLORIDA LOTTO shall only occur when the Lottery has determined in writing prior to the drawing that circumstances warrant the use of such funds to positively impact sales. Nothing in this rule shall be construed to prohibit a guaranteed Jackpot.

(8) FLORIDA LOTTO Payment Options.

(a) Players can choose one of two payment options for receiving their portion of the FLORIDA LOTTO Jackpot prize. Payment options are "Cash Option" and "Annual Payment."

(b) Jackpot winners have sixty (60) days after the winning draw date to choose between the two (2) payment options. Once the jackpot winner signs the Winner Claim Form and exercises the winner's chosen option, the election of that option shall be final. Winner Claim Form DOL-173-2, Revised 10/03, and Spanish Winner Claim Form DOL 173-S, Revised 10/03, are incorporated herein by reference and may be obtained from the Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939. In order to select the Cash Option, the Jackpot winner must submit his or her ticket for payment within sixty (60) days after the winning draw date. If the Jackpot winner does not elect the Cash Option within sixty days after the winning draw date, the Annual Payment option will be applied, subject to the provisions of paragraph (8)(g).

(c) A Jackpot winner who chooses the Cash Option for payment will receive one (1) lump sum cash payment of his or her portion of the amount in the Jackpot prize pool that is available for investment, less applicable withholding taxes, except as follows. If a jackpot prize winner elects the Cash Option payment in a FLORIDA LOTTO drawing in which unclaimed prize money was added to the Jackpot prize pool to render it sufficient to yield the announced estimated Jackpot, as described in subsection (7) above, the amount of the cash option payment will be the amount required at the time the ticket is submitted for payment to purchase securities to fund the announced estimated Jackpot paid over thirty (30) years, less applicable withholding taxes. The amount of the cash option payment to multiple Jackpot winners will be their pro rata-share of the amount required at the time the ticket is submitted for payment to purchase securities to fund the announced estimated Jackpot over thirty (30) years, less applicable withholding taxes.

(d) If a Jackpot prize winner elects the Annual Payment option, his or her portion of the amount in the Jackpot prize pool will be invested in U.S. Treasury securities to provide an income stream to the winner of thirty (30) annual installments, each less applicable withholding taxes. Available cash in the Jackpot prize pool that cannot be invested in increments of \$1,000 in thirty (30) installments is deemed "excess cash" and will be paid to the winner in the first payment.

(e) If a Jackpot prize winner elects the Annual Payment option in a FLORIDA LOTTO drawing in which unclaimed prize money was added to the Jackpot prize pool to render it sufficient to yield the announced estimated Jackpot, as described in subsection (7) above, his or her portion of the enhanced Jackpot prize pool will be invested in U.S. Treasury securities to provide an income stream to the winner of thirty (30) annual installments, each less applicable withholding taxes, except as set forth in paragraph (8)(f) below.

(f) If the prize amount per winner in a FLORIDA LOTTO drawing in which unclaimed prize money was added to the Jackpot prize pool to render it sufficient to yield the announced estimated Jackpot cannot be paid in increments of \$1,000 in thirty (30) installments the winner's share of the prize pool will be invested in U.S. Treasury securities that will yield the maximum amount possible over thirty (30) years as can be reached in increments of \$1,000. If the amount the investment will yield is less than the announced estimated Jackpot, the present value of the difference between the amount the investment will yield and the winner's guaranteed prize amount over thirty (30) years will be paid to the winner in the first payment.

(g) If the cash available in the Jackpot prize pool, including any required supplement as provided in subsection (7) above, is determined on the business day following the drawing to be insufficient to yield at least one million dollars over the designated deferred payment period for each winning ticket, the Lottery shall pay the Jackpot winner or winners in a single cash payment of their share of the amount in the Jackpot prize pool available for investment determined on the business day following the drawing, less applicable withholding taxes.

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

(i) Any interest or earnings accrued on a FLORIDA LOTTO Jackpot prize prior to the prize payment, under either the Cash Option or the Annual Payment option, shall accrue to the State of Florida and not to the winner.

(9) This emergency rule supersedes Chapter 53-28, Florida Administrative Code.

Specific Authority 24.105(2),(9)(a),(b),(c),(d),(e),(f),(h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(2),(9)(a),(b),(c),(d),(e),(f),(h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History—New 1-31-05.

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

EFFECTIVE DATE: January 31, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Payment of Prizes
RULE NO.: 53ER05-27

SUMMARY OF THE RULE: This emergency rule replaces Emergency Rule 53ER04-29 and sets forth the procedures that the Florida Lottery shall apply to awarding prizes.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-27 Payment of Prizes.

(1) Claiming Prizes.

For purposes of this rule, the provisions for claiming a prize as set forth in paragraph 24.115(1)(f), Florida Statutes, will be deemed satisfied upon the claimant meeting the following requirements:

(a) On-line Game Prizes.

1. For on-line game prizes, the claimant must submit the winning on-line ticket for validation at a Lottery office or retailer on or before the 180th day after the winning drawing. Winning on-line tickets submitted to the Lottery by mail for validation must be addressed to the Lottery's prize payment address in an envelope postmarked on or before the 180th day after the winning drawing.

2. If the claimant is not paid at the time of ticket validation, he or she must submit the validated on-line winning ticket for prize payment at a Lottery office on or before the 210th day after the winning drawing. If the claimant chooses to submit the validated on-line winning ticket for prize payment by mail, it must be sent to the Lottery's prize payment address and received by the Lottery on or before the 210th day after the winning drawing.

(b) Instant Game Prizes.

1. For instant game prizes, the claimant must submit the winning instant ticket for validation at a Lottery office or retailer on or before the 60th day after the official end of the game. Winning instant tickets submitted to the Lottery by mail for validation must be addressed to the Lottery's prize payment address in an envelope postmarked on or before the 60th day after the official end of the game.

2. If the claimant is not paid at the time of ticket validation, he or she must submit the validated instant winning ticket for prize payment at a Lottery office on or before the 90th day after the official end of game. If the claimant chooses to submit the validated instant winning ticket for prize payment by mail, it must be sent to the Lottery's prize payment address and received by the Lottery on or before the 90th day after the official end of the game.

(2) Prize Payment Address. The Lottery's prize payment address is: Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939.

(3) Risk of Mailing Tickets. A person who mails a winning ticket shall bear the risk that the U.S. Postal Service or other carrier may fail to timely postmark or deliver the ticket to the Lottery, or both.

(4) Winning Tickets Submitted to the Address for a Drawing. Winning tickets submitted to the address for a drawing for a game or promotion will not be paid or honored unless selected during the drawing. The time periods provided in subparagraphs (1)(a)1. and 2. and (1)(b)1. and 2. shall also apply to this subsection.

(5) Unclaimed Prizes. If a valid claim is not made for a prize within the applicable time period, or if a claimed ticket is not submitted to the Lottery for prize payment within the applicable time period, the prize shall constitute an unclaimed prize and shall be distributed as required by law. Unclaimed prizes shall not be distributed to other winners within the same prize pool.

(6) Free Ticket Claims – Florida Claimants. A person who submits by mail a lottery ticket that entitles the claimant to a prize of a "ticket" or "free ticket" and whose mailing address is inside the state of Florida will be mailed a prize of a ticket as follows:

(a) If the ticket submitted for payment is an instant lottery ticket, the claimant will receive an instant lottery ticket having the same retail sales price as the instant lottery ticket submitted for prize payment. The free ticket may or may not be from the same instant game in which the prize was won.

(b) If the prize is a free on-line game quick pick ticket, the claimant will receive a free on-line game quick pick ticket, from the same on-line game in which the prize was won, for the next drawing after the ticket is validated; or if the free on-line game ticket is part of an on-line game multi-play ticket, the claimant will receive prize payment in accordance with the provisions of subsection (20) below.

(7) Free Ticket Claims – Claimants Outside Florida. A person who submits by mail a lottery ticket that entitles the claimant to a prize of a "ticket" or "free ticket" and whose mailing address is outside the state of Florida will receive a check in the amount of the retail sales price of the ticket in lieu of an actual ticket.

(8) Advance Play Ticket Claims – Florida Claimants. A claimant who claims a prize through a retailer or the Lottery on a winning advance play lottery ticket before all the drawings on the ticket have occurred will be issued a continuation ticket for the remaining drawings with the same play numbers as the original ticket. The original ticket will be recorded as "paid" in the gaming system and a continuation ticket will automatically be issued for the claimant which shall be the instrument from which claims on remaining drawings are paid.

(9) Advance Play Tickets Claims- Claimants Outside of Florida. If a claimant whose mailing address is outside the state of Florida submits by mail an advance play lottery ticket that has drawings remaining that have not yet occurred, the Lottery will hold the claimant's advance play ticket until all the drawings have occurred. The Lottery will then validate the advance play ticket and mail the claimant one payment for the total amount of any prizes won. If an out-of-state claimant requests prize payment prior to the date of the last advance play drawing, the Lottery will validate the ticket, mail the claimant payment for the total amount of any prizes won as of the date of ticket validation, and issue and maintain possession of a continuation ticket for the remaining drawings.

(10) On-line Game Ticket Validation.

(a) In order to be a valid on-line winning lottery ticket, the ticket must be identifiable as a Florida Lottery ticket and have either a complete, legible Transaction Serial Number ("TSN") or a readable Bar Code. To the extent that a ticket is not identifiable as a Florida Lottery ticket or does not have a TSN or Bar Code, the ticket will be invalid. The Florida Lottery will not attempt to reconstruct any tickets received in multiple pieces.

(b) The ticket must not be counterfeit in whole or in part.

(c) The TSN of an apparent winning ticket must validate on the Lottery's gaming system, and must not have been previously paid.

(d) The ticket must pass any additional confidential validation tests determined necessary by the Florida Lottery.

(e) Any ticket not meeting the criteria set forth in paragraphs (10)(a) through (d) above is ineligible for any prize and shall not be paid as a winning ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Florida Lottery shall be the replacement of the defective ticket with an unplayed ticket or tickets of equivalent sales price from a current Florida Lottery game, or refund of the retail sales price.

(11) Instant Game Ticket Validation.

(a) In order to be a valid instant winning lottery ticket, the ticket must be identifiable as a Florida Lottery ticket and have either a complete, legible Validation Number (VIRN) or a readable Bar Code. To the extent that a ticket is not identifiable as a Florida Lottery ticket or does not have a VIRN or Bar Code, the ticket will be invalid. The Florida Lottery will not attempt to reconstruct any tickets received in multiple pieces.

(b) The ticket must not be counterfeit in whole or in part.

(c) The validation elements must not be altered or tampered with in any manner.

(d) The ticket must not appear on any list of omitted ticket stock on file at the Florida Lottery.

(e) The ticket must not have been stolen.

(f) The ticket must have been issued to a retailer by the Florida Lottery in an authorized manner.

(g) The VIRN of an apparent winning ticket must validate on the Lottery's gaming system and must not have been previously paid.

(h) The validation elements of a ticket must not be misprinted or illegible.

(i) The ticket must pass any additional confidential validation tests determined necessary by the Florida Lottery.

(j) Any ticket not meeting the criteria set forth in paragraphs (11)(a) through (i) above is ineligible for any prize and shall not be paid as a winning ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Florida Lottery shall be the replacement of the defective ticket with an unplayed ticket or tickets of equivalent sales price from a current Florida Lottery game, or refund the retail sales price.

(12) Disputes Regarding the Amount or Validity of Ticket.

(a) Players shall be instructed by a retailer or the Lottery to file a claim when any dispute arises between a player and a retailer regarding the amount or validity of an apparent winning ticket or when an apparent winning ticket will not validate using the terminal.

(b) In the event a dispute between the Florida Lottery and the ticket bearer occurs as to whether the ticket is a valid winning ticket, the decision of the Florida Lottery shall be final. If the prize is not paid on a disputed ticket and the basis for the dispute is attributable to the Florida Lottery or its ticket vendor, the Florida Lottery will replace the disputed ticket with an unplayed ticket from the same game or with a ticket from another game of equivalent sales price. This shall be the sole and exclusive remedy of the bearer of the ticket.

(13) Winning Tickets Valued at Less than \$600. Payment of any winning ticket valued at less than \$600 that is submitted to a Lottery retailer, Lottery district office or Lottery Headquarters shall be made to the claimant upon successful ticket validation. Upon request by the Lottery, the claimant shall file a Winner Claim Form in accordance with the provisions set forth in paragraph (14)(c) below.

(a) Payment by Retailers.

1. Winning tickets of \$50 or less that are submitted to a retailer shall be paid in cash by the retailer unless:

a. It is impossible or impracticable to do so due to a company or store policy which, for safety or security reasons, limits the amount of cash available to the clerk; or

b. It is impossible or impracticable to do so due to an applicable local government ordinance that limits the amount of cash available to the clerk.

2. Winning tickets with a value greater than \$50 but less than \$600 that are submitted to a retailer shall be paid by cash, check, or money order.

3. No charge or fee shall be imposed by a retailer on a player for paying a winning ticket. This prohibition includes charging a fee for a money order issued to the player in payment of a prize when that is the only method of prize payment made available by the retailer.

(b) Payment by the Florida Lottery.

1. Winning tickets of \$100 or less that are presented to a Lottery district office will be paid by cash, check or issued lottery tickets at the claimant's option.

2. Winning tickets with a value greater than \$100 but less than \$600 that are submitted to a Lottery district office shall be paid by check and/or issued lottery tickets, or paid a maximum of \$100 in cash and the balance of the prize in issued lottery tickets at the claimant's option.

3. Lottery district offices will not pay prizes less than \$600 by a combination of cash and check.

4. Winning tickets of less than \$600 that are submitted to Lottery Headquarters for payment shall be paid by check.

5. A player who submits a winning ticket of less than \$600 in person to a Lottery district office or Lottery Headquarters for payment by check shall be required to present one form of identification from the list in subsection (15). The identification is required to ensure proper check distribution.

6. Winning tickets of less than \$600 shall be subject to and paid in accordance with subsections (16), (17), (18), and (19) below.

(14) Winning Tickets Valued at \$600 or Greater.

(a) Payment of winning tickets valued at \$600 or greater shall be made only by a Lottery office. Payment of winning tickets valued at \$600 or greater cannot be made by a retailer.

(b) A player may submit a winning ticket valued at \$600 or greater to any Lottery retailer or Lottery office for ticket validation. If a winning ticket valued at \$600 or greater is validated at a retailer location, the player shall retain the original ticket and any player claim instructions ticket produced by the retailer terminal to submit with his or her claim to a Lottery office for prize payment processing. If the winning ticket produces a continuation ticket for future drawings, the player shall also retain the continuation ticket in addition to the original ticket and player claim instructions ticket.

(c) After successful validation of a winning ticket, the player shall file a claim by submitting to the Lottery a completed Winner Claim Form DOL 173-2, revised 10/03, or Spanish Winner Claim Form DOL 173-S, revised 10/03, and a completed Internal Revenue Service Form W-9, *Request for Taxpayer Identification Number and Certification*, revised 10/03, along with the ticket(s) as set forth in subsection (18) and the identification described in subsection (15) below. The Winner Claim Forms are incorporated herein by reference and may be obtained at any Lottery office or retailer, from the Florida Lottery's website at www.flalottery.com, or by writing the Florida Lottery, Public Information, 250 Marriott Drive,

Tallahassee, Florida 32399-4016. The Internal Revenue Service Form W-9 is incorporated herein by reference and may be obtained at any Lottery office, from the Florida Lottery's website at www.flalottery.com, by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or from the Internal Revenue Service. Claims may be submitted in person to any Lottery district office or to Lottery Headquarters, or submitted by mail to Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939.

(d) Winning tickets valued at \$600 through \$250,000 that are submitted to a Lottery district office shall be paid by check and in accordance with subsections (16), (17), (18) and (19) below. Winning tickets valued at greater than \$250,000 must be presented at Lottery Headquarters for payment.

(e) Winning tickets valued at \$600 or more that are submitted to Lottery Headquarters shall be paid as follows and in accordance with subsections (16), (17) (18) and (19) below:

1. If the prize value is \$600 through \$100,000, payment shall be made by check.

2. If the prize value is greater than \$100,000 or is a prize for which there is a lump-sum option, payment shall be made by check or wire transfer at the claimant's option.

(15) Presentation of Identification.

(a) The claimant of a prize valued at \$600 or more will be required to present identification as detailed below. The name on the identification presented to the Lottery must match the name on the back of the winning ticket, unless the name on the back of the winning ticket is that of a legal entity. In such case, an authorized agent of that legal entity will be required to present identification as detailed below. If the name on the back of the ticket and the identification presented do not match, the Lottery may request another form of identification listed below or request additional information to use in making its payment determination.

(b) For prizes valued at \$600 or more, one form of photo identification is required that is current or was issued within the past five years and bears a serial or other identifying number and a signature, or if photo identification is not presented, two forms of identification are required that are current or were issued within the past 5 years and bear a serial or other identifying number and a signature.

(c) Acceptable forms of identification include the following:

1. A Florida identification card or driver's license issued by the public agency authorized to issue driver's licenses;

2. A passport issued by the Department of State of the United States;

3. A passport issued by a foreign government if the document is stamped by the United States Immigration and Naturalization Service;

4. A driver's license or an identification card issued by a public agency authorized to issue driver's licenses in a state other than Florida, a territory of the United States, or Canada or Mexico;

5. An identification card issued by any branch of the armed forces of the United States;

6. An identification card issued by the United States Immigration and Naturalization Service; or

7. Another form of identification approved by the Lottery.

(d) A photocopy of required identification shall accompany claims valued at \$600 or greater that are submitted by mail. The Lottery reserves the right to require proof of authenticity for such photocopies.

(16) Payment to One Person or Entity. Regardless of how many persons or entities claim an ownership interest in a winning ticket, payment will be made to only one person or entity. For prizes valued at \$600 or more, a winner may submit an Internal Revenue Service Form 5754, Statement by Person(s) Receiving Gambling Winnings, if more than one person is entitled to the prize winnings. The form must be presented to the Lottery along with the Winner Claim form prior to ticket validation. The Internal Revenue Service Form 5754 is incorporated by reference and may be obtained at any Lottery office, by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or from the Internal Revenue Service.

(17) Federal Withholding Taxes. Federal withholding taxes shall be applied to prizes in accordance with the Internal Revenue Code and Code of Federal Regulations.

(18) Ticket Submission and Payment. In accordance with the applicable provisions of subsections (13), (14) and (20) a claimant must submit an original winning ticket or an original continuation ticket, if issued, to the Lottery or to a retailer to claim a prize. In the event an original winning ticket or an original continuation ticket is not available for submission, a claimant must submit an original player claim instructions ticket produced from validation of an original winning ticket or original continuation ticket to the Lottery to claim a prize.

(a) If a claimant submits an original winning ticket or an original continuation ticket and an original player claim instructions ticket produced from an original winning ticket or from an original continuation ticket, payment will be made in accordance with subsections (16), (17) and (18).

(b) If a claimant submits only an original winning ticket or an original continuation ticket, the ticket will be validated and payment will be made in accordance with subsections (16), (17) and (18).

(c) If a claimant submits only an original player claim instructions ticket, the player claim instructions ticket will be validated and payment will be made in accordance with subsections (16), (17) and (18) and as follows:

1. For on-line prizes, if the absence of the original ticket is determined to the Lottery's satisfaction to be attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the player claim instructions ticket is submitted for prize payment, or following expiration of 210 days after the winning draw date, whichever date occurs sooner.

2. For instant prizes, if the absence of the original ticket is determined to the Lottery's satisfaction to be attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the player claim instructions ticket is submitted for prize payment, or following expiration of 90 days after the official end of the game, whichever date occurs sooner.

3. If the absence of an original ticket is attributable to any reason other than the actions of a retailer, payment will be made as follows:

a. For winning on-line tickets, payment will be made following expiration of 210 days after the winning draw date, provided that payment for the original winning ticket is not made before the expiration of 210 days.

b. For winning instant tickets, payment for prizes valued at \$600 through \$1,000 will be made following expiration of 180 days from the date the claim was filed or following expiration of 90 days after the official end of the game, whichever occurs sooner, provided that payment for the original winning ticket is not made before expiration of the 180-day or 90-day time period, whichever is applicable. Payment for prizes greater than \$1,000 will be made following expiration of 90 days after the official end of the game, provided payment for the original winning ticket is not made before expiration of the 90-day time period.

4. If the original winning ticket or original continuation ticket is submitted prior to expiration of the time periods set forth in subparagraphs (18)(c)1., 2. and 3., an investigation will be conducted to determine to whom payment should be made, if anyone.

(d) If a claimant submits only an original advance play winning ticket that has been recorded as "paid" in the Lottery's gaming system as the result of the issuance of a continuation ticket, an investigation will be conducted and payment will be made as follows:

1. If the investigation concludes to the Lottery's satisfaction that the absence of the continuation ticket is attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the original winning ticket is submitted for prize payment, or following expiration of 210 days after the winning draw date, whichever date occurs sooner, provided that payment for the continuation ticket is not made prior to the expiration time frames set forth above.

2. If the investigation concludes to the Lottery's satisfaction that the absence of the continuation ticket is attributable to any reason other than the actions of a retailer, payment will be made following expiration of 210 days after the winning draw date, provided that payment for the continuation ticket is not made before the expiration of 210 days.

(e) In the event a claim for payment is made without an original ticket, an original continuation ticket, or a player claim instructions ticket, the claim will be denied unless the following occurs:

1. The claimant establishes to the Lottery's satisfaction that the absence of the original ticket, the original continuation ticket, or the player claim instructions ticket is attributable to an act or omission of the Lottery. Acts or omissions of Lottery retailers shall not be considered attributable to the Lottery; and

2. The Lottery determines that the available evidence is sufficient to validate the claim. If the Lottery determines that the provisions set forth in subparagraphs 1. and 2., above, are sufficiently met, payment will be made to the claimant following the expiration of the applicable deadline set forth in subsection (1) for validating and submitting a winning ticket for prize payment.

(19) Determination of Prize Winner. The person to whom payment will be made for winning tickets submitted to the Lottery shall be determined as follows:

(a) If only one name appears on the back of the ticket, payment will be made to that person or entity.

(b) If the back of a ticket is blank or incomplete, data from the Winner Claim Form, if any, player correspondence, or the mailing envelope, in that order, shall be used to supplement the information.

(c) Instant tickets. If more than one name appears on the back of an instant ticket, payment shall be made to the person whose name appears first on the line designated for the name.

(d) On-line tickets.

1. If one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section that is completed.

2. If more than one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket.

3. If no player information section is completely filled out and more than one name appears on the back of the ticket, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket in which a name is present.

(e) If the name on the back of a ticket is that of a trust, corporation or other legal entity, payment shall be made to the trust, corporation or other legal entity. For those tickets valued at \$600 or more, no payment shall be made to a legal entity

until the Lottery has received a copy of the entity's organizational documents which set forth the names and Social Security numbers of all shareholders, partners, beneficiaries, or other persons ultimately entitled to receive Lottery winnings.

(f) If the back of a ticket valued at \$600 or more is altered, defaced, or contains erasures, correction fluid, overwriting, or obliteration in the line designated for a name, an investigation will be conducted to determine to whom payment should be made, if anyone, in accordance with paragraphs (19)(c), (d) and (e) above. If the ticket is valued at less than \$600, payment will be made to the person submitting the ticket for payment.

(g) If the Lottery is presented with undisputed information that payment of a prize as provided in paragraphs (19)(a) through (e) would result in payment to a person or entity who has no claim to the ticket, the Lottery will make payment to the person or entity it determines to be the rightful claimant based upon the undisputed information submitted to the Lottery.

(h) If the Lottery receives notification of a dispute of ownership of a specific ticket prior to prize payment, an investigation will be conducted to determine to whom payment should be made, if anyone.

(i) Any claimant of a prize of \$600 or more, and any person whose name appears on an Internal Revenue Service Form 5754 filed by a claimant and whose portion of the prize is \$600 or more, will be compared to the State Owed Debt system. All persons ultimately entitled to receive Florida Lottery winnings from a claim valued at \$600 or more filed by a legal entity, other than a corporation whose shares are publicly traded, will be compared to the State Owed Debt system. If such claimant or other person is identified as owing an outstanding debt to a state agency or owing child support collected through a court or spousal support or alimony as provided in subsection 24.115(4), Florida Statutes, following deduction of federal tax withholding, the remaining prize amount will be allocated as follows:

1. If the debt is owed by the claimant and an Internal Revenue Service Form 5754 is not filed at the time the claim is submitted, an amount sufficient to cover the amount owed, up to the total remaining prize amount, will be transferred to the state agency owed the debt. Any monies remaining after federal tax withholding and after collection of the debt will be paid to the claimant.

2. If the debt is of a claimant who submits an Internal Revenue Service Form 5754 at the time of filing the claim, or of a person whose name appears on an Internal Revenue Service Form 5754 or who is entitled to receive Lottery winnings claimed by a legal entity, an amount sufficient to cover the claimant's or other person's debt, but not to exceed his or her percentage interest in the prize or entity, will be transferred to the state agency owed the debt. The monies remaining will be paid to the claimant on the ticket.

(20) Payment of On-line Game Multi-play Tickets Including a Cash Prize and a Free Quick Pick Ticket Prize. Additional payment provisions applicable only to winning on-line game multi-play tickets (tickets with more than one panel played for a single draw date) that include a cash prize and a prize of a free quick pick ticket are as follows:

(a) A \$1.00 value for each free quick pick ticket on a multi-play ticket shall be included in the total prize value of the ticket.

(b) On-line game multi-play tickets with a total prize value less than \$600 shall be paid by Lottery retailers or a Lottery office upon successful ticket validation. The claimant shall be paid the cash amount of the prize and given a ticket with one free quick pick play for the same on-line game in which the prize was won, for the next available drawing for each free quick pick ticket prize.

(c) On-line game multi-play tickets with a total prize value of \$600 or more shall be claimed at a Lottery office. Retailer locations cannot print free quick pick tickets that are part of a claim with a total value of \$600 or more.

1. If the claim is submitted to a Lottery office in person and the on-line game multi-play ticket is successfully validated, the Lottery will pay the claimant the cash prize and give the claimant a ticket with one free quick pick play, for the same on-line game in which the prize was won, for the next available drawing for each free quick pick ticket prize.

2. If the claim is submitted by mail to a Lottery office and the on-line game multi-play ticket is successfully validated, the Lottery will pay the cash prize and, if the claimant's address is in Florida, print a ticket with one free quick pick play for the next available drawing of the same on-line game in which the prize was won for each free quick pick ticket prize. The payment and the free ticket shall be mailed to the claimant by the Lottery, except as set forth in paragraph (8) above. A free ticket shall be mailed prior to the drawing applicable to that ticket.

3. If the claimant is identified as owing an outstanding debt as set forth in paragraph (19)(i), in an amount less than the cash portion of the prize net of any federal income tax withholding, the non-cash portion of the prize and the amount owed to the claimant after his or her debt is satisfied and taxes have been withheld shall be awarded. If the claimant is identified as owing an outstanding debt in an amount greater than the cash portion of the prize net of any federal income tax withholding, the cash portion of the prize remaining after taxes have been withheld will be applied toward the outstanding debt as provided in subsection 24.115(4), Florida Statutes, and the claimant will receive the remaining non-cash portion of the prize.

(21) Canceled and Previously Paid Tickets. No payment shall be made upon a ticket submitted for payment that is reflected in the Lottery's records as having been canceled or previously paid.

(22) Disclosure of Source of Ticket. The Lottery reserves the right to require the claimant of any winning ticket to disclose the source of the ticket.

(23) Final Payment Decision. The Lottery's decision and judgments in respect to the determination of a winning ticket or of any other dispute arising from payment or awarding of prizes shall be final and binding upon all participants in the lottery unless otherwise provided by law or these rules. In the event a question arises relative to a winning ticket, or the payment or awarding of any prize, the Lottery is authorized to:

(a) Deposit the prize winnings into an escrow fund until the dispute is resolved; or

(b) Petition a court of competent jurisdiction for instructions and a resolution of the controversy.

(24) All tickets and claim forms presented to the Florida Lottery shall become the property of the Florida Lottery.

(25) Information for claiming a prize can be obtained by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or by calling (850)487-7777.

(26) Payment of winning tickets is subject to all other applicable statutes and rules.

(27) This emergency rule replaces Emergency Rule 53ER92-63, 53ER92-65, 53ER04-29, Florida Administrative Code.

Specific Authority 24.105(9)(e), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(e), 24.115(1), 24.115(4) FS. History--New 1-31-05. Replaces 53ER92-63, 53ER92-65, 53ER04-29, F.A.C.

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

EFFECTIVE DATE: January 31, 2005

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE TITLE: RULE NO.:

Alternative Procedures for Resolution of
Disputed Personal Lines Insurance
Claims Arising From Hurricane
and Tropical Storm Damage 69BER05-3

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Financial Services hereby states that the following circumstances constitute an immediate danger to the public health, safety, or welfare: The 2004

hurricane season has been particularly destructive for 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.

Additional damage was caused by Hurricane Frances, which hit the east coast of Florida on September 4, 2004, as a category 2 hurricane, and slowly crossed the peninsula. Hurricane Frances, though less intense than Charley, caused damage over a much wider area of the state.

On September 16, 2004, category 4 Hurricane Ivan caused massive damage in the Florida Panhandle. Hurricane Ivan impacted the Gulf Coast as a category 4 hurricane with sustained winds up to 130 miles per hour. The eye made land fall just west of the western Florida line, bringing hurricane force winds to much of the Florida Panhandle. The hurricane also produced tornados that destroyed and damaged structures in the Florida Panhandle. There was extensive damage in the Pensacola area, which was hit by the strong northeast quadrant of the storm as it made landfall.

This emergency rule is also necessitated by the damage resulting in Florida from Hurricane Jeanne, which made landfall near Stuart, Florida the night of September 25, 2004, as a category 3 hurricane with sustained winds up to 120 miles per hour. On September 26, the storm made a path northwest across the state. The Governor of Florida has declared a state of emergency (Executive Order # 04-217). The President of the United States has declared 19 Florida counties a federal disaster area.

The Governor of Florida declared states of emergency as a result of each of the hurricanes.

Insured losses have been estimated at \$7.8 billion for Charley and at \$4.8 billion for Frances. Preliminary damage estimates for Hurricane Ivan are \$4 billion. Further, damage estimates for Hurricane Jeanne are \$ 4 billion in insured losses. This emergency rule implements Section 627.7015, Florida Statutes, by setting forth a non-adversarial alternative dispute resolution procedure for a facilitated claim resolution conference prompted by the critical need for effective, fair, and timely handling of personal lines insurance claims arising out of damages to property caused by hurricanes and tropical storms during the 2004 hurricane season.

As of the effective date of this Emergency Rule, it is conservatively estimated that approximately 226,000 residential property claims remain unresolved and in most of these instances repairs have not been completed. Many of these claims remain unresolved as a result of disputes regarding costs of labor and materials needed to effectuate repairs. Due to

the unprecedented extent of damage, in many instances materials and labor necessary to effectuate repairs have not been readily available and there have been disparities between the estimates of insurers and repair contractors.

Insureds with unresolved claims and unrepaired residences continue to be exposed to emotional, physical and economic hardship and are increasingly at risk. Insureds are at risk of receiving sub-quality work, or being faced with a substantial disparity between repair estimates and customary costs in the area. This condition erodes the ability of insureds to realize the benefit of their insurance coverage. For these reasons it is essential that guidelines for construction costs be available providing parameters which would reflect fair market value. This rule establishes a schedule to be used in mediation proceedings to determine reasonable payments for repair and replacement costs arising from damage caused by hurricanes or tropical storms in this state in 2004.

Based upon the above, the Department has determined that an emergency continues to exist and continuation of the claims mediation program and the availability of guidelines for construction pricing are essential to the resolution of insurance claims and the effectuation of repairs of damage covered by insurance policies.

SUMMARY OF THE RULE: This emergency rule establishes a special mediation program for personal lines residential insurance claims resulting from Hurricanes Charley, Frances, Ivan and Jeanne and Tropical Storm Bonnie. The rule creates procedures for notice of the right to mediation, request for mediation, assignment of mediators, payment for mediation, conduct of mediation, and guidelines for the quality repair of residential property damage. This rule supercedes Emergency Rule 69BER04-21.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Tom Terfinko, Assistant Director, Division of Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0320, (850)413-5802

THE FULL TEXT OF THE EMERGENCY RULE IS:

69BER05-3 Alternative Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising From Hurricane and Tropical Storm Damage.

(1) Purpose and Scope. This emergency rule implements Section 627.7015, Florida Statutes, by setting forth a non-adversarial alternative dispute resolution procedure for a facilitated claim resolution conference prompted by the critical need for effective, fair, and timely handling of personal lines insurance claims arising out of damages to residential property caused by hurricanes and tropical storms during the 2004 hurricane season (June 1, 2004 through November 30, 2004). This emergency rule also addresses guidelines for the quality repair of residential property damaged by Hurricanes Charley, Frances, Ivan and Jeanne and Tropical Storm Bonnie at

reasonable and fair prices. Before resorting to these procedures, insureds and insurers are encouraged to resolve claims as quickly and fairly as possible. The procedure established by this emergency rule is available to all first party claimants who have personal lines claims resulting from damage to residential property occurring in the State of Florida. This rule does not apply to commercial insurance, private passenger motor vehicle insurance or to liability coverage contained in property insurance policies. This rule supercedes Emergency Rule 69BER04-21.

(2) Definitions. The following definitions apply to the terms of this rule as used herein.

(a) "Administrator" means the Department or its designee, and the term is used interchangeably with regard to the Department's duties under this rule.

(b) "Claim" means any matter on which there is a dispute or for which the insurer has denied payment. Unless the parties agree to mediate a claim involving a lesser amount, a "claim" involves the insured requesting \$500 or more to settle the dispute, or the difference between the positions of the parties is \$500 or more, in either case, notwithstanding any applicable deductible. "Claim" does not include a dispute with respect to which the insurer has reported allegations of fraud, based on an investigation by the insurer's special investigative unit, to the Department's Division of Insurance Fraud.

(c) "Department" means the Department of Financial Services or its designee. Reporting to the Department shall be directed to: Department of Financial Services, Mediation Section, Bureau of Insurance Consumer Assistance, Tallahassee, Florida 32399-0322; or by facsimile to (850)488-2349.

(d) "Mediator" means an individual selected by the Department to mediate disputes pursuant to this rule. The mediators will be selected from a panel of Circuit Court – Civil mediators approved by the Florida Supreme Court pursuant to the Florida Rules of Certified and Court Appointed Mediators or from the list of approved mediators pursuant to Rule 69B-166.031, Florida Administrative Code.

(e) "Party" or "Parties" means the insured and his or her insurer, including Citizens Property Insurance Corporation, when applicable.

(3) Notification of Right to Mediate. The insurer shall mail a notice of the right to mediate disputed claims to the insured within 5 days of the time the policyholder or the Department notifies an insurer of a dispute regarding the policyholder's claim. If the insurer has not been notified of a disputed claim prior to the time an insurer notifies the insured that a claim has been denied in whole or in part, the insurer shall mail a notice of the right to mediate disputed claims to the insured in the same mailing as a notice of denial. However, the insurer is not required to send a notice of the right to mediate disputed claims if a claim is denied because the amount of the claim is less than the policyholder's deductible. For disputed claims identified

prior to October 11, 2004, Rule 69BER04-18 required insurers to send the notice to insureds no later than October 25, 2004. This requirement is not negated by this rule and therefore any insurer that failed to do so is subject to administrative penalty for violation of a Department rule. The mailing that contains the notice of the right to mediate may include the Department's consumer brochure on mediation but no other materials, forms or documents may be included. Notification shall be in writing and shall be legible, conspicuous, and printed in at least 12-point type. The first paragraph of the notice shall contain the following statement: "Tom Gallagher, Chief Financial Officer for the State of Florida, has adopted an emergency rule to facilitate fair and timely handling of residential property insurance claims arising out of the hurricanes that have recently devastated so many homes in Florida. The emergency rule gives you the right to attend a mediation conference with your insurer in order to settle any dispute you have with your insurer about your claim. You can start the mediation process 21 days after the date of this notice by calling the Department of Financial Services at 1(800)227-8676 (1(800)22-Storm). An independent mediator, who has no connection with your insurer, will be in charge of the mediation conference." The notice shall also:

(a) Include detailed instructions on how the insured is to request mediation, including name, address, and phone and fax numbers for requesting mediation through the Department;

(b) State that the parties have 21 days from the date of the notice within which to settle the claim before the insured may request mediation;

(c) Include the insurer's address and phone number for requesting additional information; and

(d) State that the Department or the Administrator will select the mediator.

(4) Request for Mediation. After 21 days from the date of the notice of the right to mediation, an insured may request mediation by contacting the insurer or by writing to the Department of Financial Services, Mediation Section, Bureau of Insurance Consumer Assistance, Tallahassee, Florida 32399-0322; by calling the Department at 1(800)22-Storm (1(800)227-8676); or by faxing a request to the Department at (850)488-2349. If an insured requests mediation prior to receipt of the notice of the right to mediation or if the date of the notice cannot be established, the insurer shall be notified by the Department of the existence of the dispute 21 days prior to the Administrator processing the insured's request for mediation. If an insurer receives a request for mediation, the insurer shall fax the request to the Mediation Section within 48 hours of receipt of the request. The Department will forward requests to the Administrator within 24 hours of receipt of the requests. The Administrator shall notify the insurer within 48 hours of receipt of requests filed with the Department. The insured should provide the following information if known:

(a) Name, address, and daytime telephone number of the insured and location of the property if different from the address given;

(b) The claim and policy number for the insured;

(c) A brief description of the nature of the dispute; and

(d) The name of the insurer and the name, address and phone number of the contact person for scheduling mediation.

(e) Information with respect to any other policies of insurance that may provide coverage of the insured property for named perils such as flood or windstorm.

(5) Mediation Costs. Within 5 days of receipt of the request for mediation from the insured or receipt of notice of the request from the Department or immediately after receipt of notice from the Administrator pursuant to subsection (4) that mediation has been requested, whichever occurs first, the insurer shall pay a non-refundable administrative fee, not to exceed \$100, as determined by the Department, to the Administrator to defer the expenses of the Administrator and the Department. The insurer shall pay \$250 to the Administrator for the mediator's fee not later than 5 days prior to the date scheduled for the mediation conference. However, if the mediation is cancelled for any reason more than 120 hours prior to the scheduled mediation time and date, the insurer shall pay \$50 to the Administrator for the mediator's fee instead of \$250. No part of the fee for the mediator shall be refunded to the insurer if the conference is cancelled within 120 hours of the scheduled time.

(6) Scheduling of Mediation. The Administrator will select a mediator and schedule the mediation conference. The Administrator will attempt to facilitate reduced travel and expense to the parties and the mediator when selecting a mediator and scheduling the mediation conference. The Administrator shall confer with the mediator and all parties prior to scheduling a mediation conference. The Administrator shall notify each party in writing of the date, time and place of the mediation conference at least 10 days prior to the date of the conference and concurrently send a copy of the notice to the Department. The insurer shall notify the Administrator as soon as possible after settlement of any claim that is scheduled for mediation pursuant to this rule.

(7) Conduct of the Mediation Conference.

(a) Section 627.7015, Florida Statutes, provides that mediation is a non-adversarial process held in an informal, non-threatening forum intended to bring the parties together for a settlement conference without the trappings or drawbacks of an adversarial process. As such, it is not necessary to involve a private attorney and participation by private attorneys is discouraged by the Department. If the insured elects to have an attorney participate in the conference, the insured shall provide the name of the attorney to the Administrator at least six days before the date of the conference. Parties and their representatives must conduct themselves in the cooperative spirit of the intent of the law and

this rule. Parties and their representatives must refrain from turning the conference into an adversarial process. Both parties must negotiate in good faith. A party will be determined to have not negotiated in good faith if the party, or a person participating on the party's behalf, continuously disrupts, becomes unduly argumentative or adversarial, or otherwise inhibits the negotiations as determined by the mediator. The mediator shall terminate the conference if the mediator determines that either party is not negotiating in good faith or if the mediator determines that the conference should be terminated under the provisions of Rule 10.420(b) of the Florida Rules for Certified and Court-Appointed Mediators. The party responsible for causing termination shall be responsible for paying the mediator's fee and the administrative fee for any rescheduled mediation.

(b) Upon request of the insured or the mediator, a representative of the Department will be available to help insureds prepare for the mediation conferences. A representative of the Department will be present at and participate in the conference if requested at least 5 days prior to the scheduled mediation by a party or the mediator to offer guidance and assistance to the parties. The Department will attempt to have a representative at the conference if the request is received less than 5 days prior to the scheduled mediation. Representatives of the Department that participate in the conference shall not assume an advocacy role but shall be available to provide legal and technical insurance information.

(c) The representative of the insurer attending the conference must bring a copy of the policy and the entire claims file to the conference. The representative of the insurer attending the conference must know the facts and circumstances of the claim and be knowledgeable of the provisions of the policy. An insurer will be deemed to have failed to appear if the insurer's representative lacks authority to settle the full amount of the claim or lacks the ability to disburse the settlement amount at the conclusion of the conference.

(d) The mediator will be in charge of the conference and will establish and describe the procedures to be followed. Mediators shall conduct the conference in accordance with the standards of professional conduct for mediation under the Florida Rules of Certified and Court-Appointed Mediators. Each party will be given an opportunity to present their side of the controversy. In so doing, parties may utilize any relevant documents and may bring any individuals with knowledge of the issues, such as adjustors, appraisers, or contractors, to address the mediator. The mediator may meet with the parties separately, encourage meaningful communications and negotiations, and otherwise assist the parties to arrive at a settlement. For purposes of this claims settlement process, mediators shall be deemed agents of the Department and shall have the immunity from suit provided to mediators in Section

44.107, Florida Statutes. All statements made and documents produced at a settlement conference shall be deemed settlement negotiations in anticipation of litigation.

(e) A party may move to disqualify a mediator for good cause at any time. The request shall be directed to the Department if the grounds are known prior to the mediation conference. Good cause consists of conflict of interest between a party and the mediator, inability of the mediator to handle the conference competently, or other reasons that would reasonably be expected to impair the conference.

(f) If the insured fails to appear, without good cause as determined by the Department, the insured may have the conference rescheduled only upon the insured's payment of the mediation fees for the rescheduled conference. If the insurer fails to appear at the conference, without good cause as determined by the Department, the insurer shall pay the insured's actual expenses incurred in attending the conference and shall pay the mediator's fee whether or not good cause exists. Failure of a party to arrive at the mediation conference within 30 minutes of the conference's starting time shall be considered a failure to appear. Good cause shall consist of severe illness, injury, or other emergency which could not be controlled by the insured or the insurer and, with respect to an insurer, could not reasonably be remedied prior to the conference by providing a replacement representative or otherwise. If an insurer fails to appear at conferences with such frequency as to evidence a general business practice of failure to appear, the insurer shall be subject to penalty, including suspension, revocation, or fine for violating Section 626.9541(1)(i), Florida Statutes.

(8) Guidelines for the Quality Repair of Residential Property at a Reasonable and Fair Price.

(a) The provisions of insurance policies and applicable statutes require claims payments made by insurers to be sufficient to effectuate required repairs. Further, misrepresentation by any person regarding the cost of repairs is also prohibited. The Department of Financial Services has developed construction pricing guidelines based upon information provided by the construction industry, the insurance industry and nationally recognized vendors that compile and sell construction pricing guidelines. Insurers and policyholders participating in mediations conducted pursuant to this rule shall use Form DFS-II-1610 Guidelines for Quality Repair of Residential Property at a Reasonable and Fair Price, rev. 12/04, hereby incorporated and adopted by reference, as guidelines for repairs to residential property arising in any county of this state in which a state of emergency was declared as a result of a hurricane or tropical storm in 2004. These guidelines are not intended to be used in the context of civil litigation. The guidelines reflect data from both the construction and insurance industries and the ranges take into consideration price differentials between geographic areas of the state.

(b) The guidelines adopted herein do not apply to any portion of repairs necessary to fulfill the insurer's contractual obligation to restore the insured residence to pre-hurricane condition where, as of the effective date of this rule, there is an executed repair contract to effectuate such repairs for an agreed price and the insurer has tendered full payment for the repair contract amount for those repairs.

(9) Post Mediation. Within 5 days of the conclusion of the conference the mediator shall file with the Department and the Administrator a mediator's status report on Form DFS-HO-1159, which is entitled Disposition of Property Insurance Mediation Conference, indicating whether or not the parties reached a settlement. Form DFS-HO-1159 is available from the Department and is hereby incorporated in this rule by reference. If the parties reached a settlement, the mediator shall include a copy of the settlement agreement with the status report. Mediation is non-binding. However, if a settlement is reached, the insured shall have 3 business days within which he or she may rescind any settlement agreement provided that the insured has not cashed or deposited any check or draft disbursed to him or her for the disputed matters as a result of the conference. If a settlement agreement is reached and is not rescinded, it shall act as a release of all specific claims that were presented in the conference. Any additional claims under the policy shall be presented as separate claims. However, the release shall not constitute a final waiver of rights of the insured with respect to claims for damages or expenses if circumstances that are reasonably unforeseen arise resulting in additional costs that would have been covered under the policy but for the release.

(10) If the insured decides not to participate in this claim resolution process or if the parties are unsuccessful at resolving the claim, the insured may choose to proceed under the appraisal process set forth in the insured's insurance policy, by litigation, or by any other dispute resolution procedure available under Florida law.

(11) If as a result of mediation it is determined that the only coverage applicable is provided under the National Flood Insurance Program, the administrative fee and mediator's fee paid by the insurer for the mediation shall be refunded to the insurer or credited to the insurer's account with the Administrator.

(12) The Department is authorized to designate an entity or person as its Administrator to carry out any of the Department's duties under this rule.

(13) If a court holds any subsection or portion of a subsection of this emergency rule or the applicability thereof to any person or circumstance invalid, the remainder of the emergency rule shall not be affected thereby.

(14) The applicable provisions of Rule 69B-166.031, Florida Administrative Code, shall govern issues relating to mediation that are not addressed in this rule. The provisions of

this emergency rule shall govern in the event of any conflict with the provisions of Rule 69B-166.031, Florida Administrative Code.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1)(2)(4)(5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a), 626.9541(1)(e), 626.9541(1)(i), 626.9541(1)(u), 626.9561, 626.9641(1)(g), 627.7015 FS. History--New 1-31-05.

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

EFFECTIVE DATE: January 31, 2005

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on January 25, 2005, the Governing Board of the Southwest Florida Water Management District (the District) granted the petition for rule waiver filed by E. R. Jahna Industries, Inc. (Petitioner). Petitioner's request was filed on November 19, 2004, and notice of it was published in the December 17, 2004, issue of the Florida Administrative Weekly. Based upon clarifying information provided by Petitioner, the rule from which waiver was sought was Section 2.1.1 of the District's Water Use Permit (WUP) Information Manual, Part B – Basis of Review, which requires that, in applications for WUPs involving leased property, such application must be either a joint application in the name of the lessee and the property owner(s) or be only in the name of the property owner(s), and which requires that if there are multiple property owners, all owners must sign the permit application form or sign an attachment to the permit application form indicating their joinder in the permit application. Petitioner could not obtain the signature on its pending WUP application of one of the owners of the leased property on which permitted activities would take place. The waiver was granted because Petitioner established that, through its lease and with the signature of one of the two property owners of the leased property on its pending application, Petitioner has sufficient legal control or ownership of all property on which pumps, wells, diversions or other water withdrawal facilities are located. Petitioner and at least one of the owners of the leased property would be legally obligated to comply with all

conditions of the WUP. If the requirement for all owner signatures were not waived, Petitioner's mining operations could not continue. Petitioner therefore has demonstrated a substantial hardship would occur if the rule were not waived, and that the purpose of the underlying statutes will still be achieved if the waiver request were granted.

A copy of the order granting the waiver may be obtained by contacting: Martha A. Moore, Senior Attorney, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-689, (352)796-7211 or 1(800)423-1476 (Florida only), extension 4660, TDD only number 1(800)231-6103.

NOTICE IS HEREBY GIVEN that on January 24, 2005, South Florida Water Management District (District) received a petition for waiver from Thomas Dahlan, Application Number 05-0124-2 for issuance of a Right of Way Occupancy Permit, for utilization of Works or Lands of the District known as the C-2 Canal, Miami-Dade County, to allow an existing, unauthorized fence enclosure encroaching to the top of the canal bank with a children's swing set within the fenced area to remain within the south right of way of C-2, Section 33, Township 54 South, Range 40 East. The petition seeks relief from paragraph 40E-6.221(2)(i), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320, e-mail: kruff@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

AGENCY FOR HEALTH CARE ADMINISTRATION

Notice is hereby given that on January 13, 2005, the Agency for Health Care Administration (the "Agency") received a petition pursuant to Section 120.542 Florida Statutes, from Petitioner, Hanson Services, Inc. Petitioner is a nurse registry with two licenses, one for Areas 5 and 6 (which includes Hillsborough and Manatee Counties) and one for Area 8 (which includes Sarasota County). The Petition requests a variance from subsection 59A-18.004(5), Florida Administrative Code. That Rule requires nurse registries to make application for a geographic service area within the specific Agency area boundaries in which the main office is located. Petitioner is seeking a permanent variance from the Rule so as to allow it to operate its Manatee County cases (Areas 5 and 6) from its Sarasota County location (Area 8).

A copy of the Petition can be obtained from and comments provided to: The Agency Clerk, Agency for Health Care Administration, 2727 Mahan Dr., Bldg 3, Mail Stop 3, Tallahassee, Florida 32308.

The Agency will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. Eastern Standard Time.

For additional information, please contact Tim Elliott, Office of the General Counsel, at the above address, or telephone (850)922-5873.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on January 25, 2005, the Division of Hotels and Restaurants received a Petition for Routine Variance for subsection 61C-4.010(7) and paragraph 61C-4.010(7)(e), Florida Administrative Code, from Tulio's Café located in Boca Raton. The above referenced Florida Administrative Codes state each public food service establishment shall maintain a minimum of one public bathroom for each sex and public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public, respectively. The Petitioner is requesting a variance to add ten additional seats for a total of 20 seats and not add an additional bathroom facility.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on January 27, 2005, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6) Florida Administrative Codes from Seymour Catering, Inc. located in Palm Harbor. The above referenced Florida Administrative Codes address food supplies, food protection, and physical facilities except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Psychology hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance for Laurie L. Kidd, Psy.D. The Petitioner was seeking a waiver or variance from paragraphs 64B19-11.001(4)(b) and (c), F.A.C. The Notice of Amended Petition for Waiver or Variance was published in Vol. 30, No. 51, of the December 17, 2004, Florida Administrative Weekly. The Board considered the instant Petition at a duly-noticed public meeting, held January 21, 2005, in Tampa, Florida.

The Board's Order, filed on January 27, 2005, granted the petition in part with regard to paragraph 64B19-11.001(4)(c), F.A.C., finding Petitioner had demonstrated that application of the rule to her circumstances would violate the principles of fairness and would impose a substantial hardship on her. The Board's Order denied the petition in part with regard to paragraph 64B19-11.001(4)(b), F.A.C., finding that Petitioner has not established that the purpose of the underlying statute, Section 490.005, F.S., would be met by granting a variance or waiver from paragraph 64B19-11.001(4)(b), Florida Administrative Code. The Board further finds that Petitioner has failed to establish that applying the requirements of the aforementioned rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Board's Order may be obtained by contacting: Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3755.

The Board of Psychology hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance for Carmine Pecoraro, Ph. D. The Petitioner was seeking a waiver or variance from paragraphs 64B19-11.001(4)(b) and (c), F.A.C. The Notice of Petition for Waiver or Variance was published in Vol. 31, No. 1, of the January 7, 2005, Florida Administrative Weekly. The Board considered the instant Petition at a duly-noticed public meeting, held January 21, 2005, in Tampa, Florida.

The Board's Order, filed on January 27, 2005, granted the petition in part with regard to paragraph 64B19-11.001(4)(c), F.A.C., finding Petitioner had demonstrated that application of

the rule to his circumstances would violate the principles of fairness and would impose a substantial hardship on him. The Board's Order denied the petition in part with regard to paragraph 64B19-11.001(4)(b), F.A.C., finding that Petitioner has not established that the purpose of the underlying statute, Section 490.005, would be met by granting a variance or waiver from paragraph 64B19-11.001(4)(b), F.A.C. The Board further finds that Petitioner has failed to establish that applying the requirements of the aforementioned rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Board's Order may be obtained by contacting: Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3755.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Division of Bond Finance
- Financial Services Commission:
 - Office of Insurance Regulation
 - Office of Financial Regulation
- Financial Management Information Board
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: March 1, 2005, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations;

investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the Office of Insurance Regulation concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter

636, F.S., and matters related to rulemaking for all activities of the Office of Financial Regulation relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184,

F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, conservation and preservation lands and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor. The Department of Environmental Protection, as staff to the Board of Trustees of the Internal Improvement Trust Fund in addition to the above, will also present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/index.html> or by contacting each individual agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Southeast Florida Preservation**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: February 24, 2005, 11:00 a.m.

PLACE: Boca Raton Historical Society, Old Town Hall, 71 N. Federal Hwy., Boca Raton, Florida 33432

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Southeast Florida Regional Preservation Office, Florida Division of Historical Resources, FDOS, 231 S. W. 2nd Avenue, Fort Lauderdale, Florida 33301.

Should any person wish to appeal any decision made with respect to the above referenced meeting, s/he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance at (954)467-4990.

The **Department of State**, Cultural and Heritage Services announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Thursday, February 11, 2005, 2:00 p.m.

PLACE: Miami-Dade County Health Department, Beacon Center Conference Room, 8323 N. W. 12th Street, Suite 212, Miami, FL 33126, (786)336-1259

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to determine potential artwork sites and media, establish project schedules and set the next meeting dates for Art in State Buildings Project No. DOH 9813/7350, Miami-Dade County Health Department in Little Haiti, North Miami.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Art in State Buildings Program, 500 South Bronough, Room 405, Tallahassee, Florida 32399-0250, (850)245-6476.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by Cultural and Heritage Services.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Dana DeMartino, (850)245-6477. If you are hearing or speech impaired, please contact the Florida Relay, 711.

The **Department of State, Division of Cultural Affairs** announces the 2005-2006 Historical Museums Grants-In-Aid Grant Hearing, to which all persons are invited. This meeting is subject to cancellation, please call to confirm the meeting date and time.

DATES AND TIME: April 4-5, 2005, 9:00 a.m. – conclusion
 PLACE: Turlington Building, 325 West Gaines Street, Room 1703/1707, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2005-2006 Historical Museums Grants-In-Aid Grant Hearing.

For more information, please contact: David Gregory, Grants Manager, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301, (850)245-6470.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure a verbatim recording of the proceedings in order to provide a record for judicial review.

To request special aids or services, contact Division staff seventy-two hours prior to the above stated schedule, (850)245-6470 or Text Telephone 711.

The **Department of State, Division of Cultural Affairs** announces Arts in Education panel meetings, to which all persons are invited. These meetings are subject to cancellation, please call to confirm the meeting date and time.

DATES AND TIME: April 21-22, 2005, 9:00 a.m. – 5:30 p.m.
 PLACE: R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399

For more information regarding the Arts in Education panel meetings, contact: Dana DeMartino, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301, (850)245-6477. 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.

The **Department of State, Division of Cultural Affairs** announces Local Arts Agency panel meeting, to which all persons are invited. These meetings are subject to cancellation, please call to confirm the meeting date and time.

DATE AND TIME: May 6, 2005, 9:00 a.m. – 5:30 p.m.
 PLACE: R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399

For more information regarding the Local Arts Agency panel meeting, contact: Dana DeMartino, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301, (850)245-6477. 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 AGRICULTURE AND CONSUMER SERVICES

The **Citrus Budwood Technical Advisory Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 23, 2005, 10:00 a.m.
 PLACE: Shaw Building, 3027 Lake Alfred Road, Winter Haven, Florida 33881

GENERAL SUBJECT MATTER TO BE CONSIDERED: Topics under discussion will be concerning the Citrus Budwood Protection and the Citrus Germplasm Introduction Programs.

A copy of the agenda may be obtained by contacting: Division of Plant Industry, Citrus Budwood Registration, 3027 Lake Alfred Road, Winter Haven, Florida 33881.

Please contact Mr. Michael Kesinger, (862)298-7735, if you have any questions.

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Viticulture Advisory Council:

DATE AND TIME: Tuesday, February 22, 2005, 9:00 a.m.
 PLACE: Mayo Building, 407 S. Calhoun St., Tallahassee, FL 32399-0800

GENERAL SUBJECT MATTER TO BE CONSIDERED: VAC Board Meeting – The purpose of this meeting is to conduct the general business of the Florida Viticulture Advisory Council. This meeting will be conducted by conference call.

For information on participation in the conference call, for additional information, or if you need special accommodations, call: Richard Menendez, (850)488-4277.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Emergency Food Assistance Program Advisory Board.

DATE AND TIME: February 24, 2005, 1:00 p.m. – 4:30 p.m.
 PLACE: Florida Fruit and Vegetable Association, Conference Room, 800 Trafalgar Court, Maitland, Florida 32751, (321)214-5200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Florida’s Emergency Food Assistance Program.

A copy of the agenda can be obtained by contacting: Mary Rouis, 407 S. Calhoun Street, 2nd Floor, Tallahassee, Florida 32399-0800.

If special accommodations are needed to attend this meeting because of a disability, please contact Mary Rouis, (850)487-6694, by February 18, 2005.

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, March 15, 2005; Tuesday, April 19, 2005, 8:30 a.m.

PLACE: Florida Association of Community Colleges, 816 S. Martin Luther King Jr. Blvd., Tallahassee, 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.

The public is invited to Committee meetings and the regular meeting of the Florida **Board of Governors**. The Facilities Committee and the Strategic Planning/Educational Policy Committee will meet. The regular meeting of the Board will occur after the Facilities Committee meeting.

DATE AND TIME: February 24, 2005, 8:00 a.m. – 5:00 p.m.

PLACE: Room 1703/1707, Turlington Building, 325 W. Gaines St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and Consideration of Amended 2005-2006 SUS Fixed Capital Outlay Legislative Budget Request – Three-Year PECO Project Priority List; Continuing discussion of the Board's Strategic Plan and missions of the universities, including reports from the University Presidents on aspirations for their universities; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from the Department of Education's website: <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The State of Florida, **Department of Education, Education Practices Commission** announces a Teacher Hearing Panel; all persons are invited.

DATES AND TIME: February 24-25, 2005, 9:00 a.m.

PLACE: Embassy Suites Tampa Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System, 711.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces its public meeting scheduled for February 26, 2005 has been changed. A public meeting to which all persons are invited will now be held on.

DATE AND TIME: Saturday, March 12, 2005, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind, including a Rule Development Workshop on Rule 6D-4.002 President and a Public Hearing on Rules 6D-7.006, F.A.C., Pupil Progression Plan.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

The **Department of Education, Florida School for the Deaf and the Blind** announces a change for the Rule Development Workshop regarding Rule 6D-4.002, F.A.C., President, published in Vol. 31, No. 5, February 4, 2005 issue of the Florida Administrative Weekly. All persons are invited to attend.

DATE AND TIME: Saturday, March 12, 2005, 9:00 a.m.

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

The Board of Trustees of the Florida School for the Deaf and the Blind announces its public meeting to be held on the above date.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind, including a Rule Development Workshop on Rule 6D-4.002, F.A.C., President.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based. Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

The **Department of Education, Florida School for the Deaf and the Blind** announces a change for the Rule Development Workshop regarding Rule 6D-7.006, F.A.C., Pupil Progression Plan, published in Vol. 31, No. 4, January 28, 2005 issue of the Florida Administrative Weekly. All persons are invited to attend.

DATE AND TIME: Saturday, March 12, 2005, 9:00 a.m.

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

The Board of Trustees of the Florida School for the Deaf and the Blind announces its public meeting to be held on the above date to which all persons are invited.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based. Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

The Florida **Department of Education**, Office of Independent Education and Parental Choice announces a public hearing of the Charter School Appeal Commission to which all persons are invited.

DATE AND TIME: February 24, 2005, 9:00 a.m. – completion

PLACE: Doctor Blaise F. Alfano Conference Center, 11606 N. McKinley Drive, Tampa, Florida 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: Charter School Appeal Commission hearings for 2005-2006 charter school application denials.

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in these hearings are requested to contact: Office of Independent Education and Parental Choice, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

The Probable Cause Panel of the **Commission for Independent Education** announces a meeting.

DATE AND TIME: February 22, 2005, 9:00 a.m.

PLACE: By teleconference at the "meet me" number (850)410-8045, Suncom 210-8045

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the investigative reports and complaints in which the probable cause panel has to make a determination as to whether there is the existence of probable cause pursuant to Chapter 1005, Florida Statutes.

A copy of the public portion of the agenda may be obtained by writing: Margaret O'Sullivan Parker, Deputy General Counsel, Florida Department of Education, 1244 Turlington Building, Tallahassee, Florida 32399-0400, (850)245-0442.

NOTE: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)448-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-9770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Alliance for Assistive Services and Technology**, Inc. Board of Directors announces a public meeting to which all persons are invited to attend:

DATE AND TIME: Wednesday, March 9, 2005, 8:30 a.m. – 5:00 p.m.

PLACE: Holiday Inn Select, 316 West Tennessee Street, Tallahassee, FL 32301, (850)222-9555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to conduct such business as specifically on the agenda. Time will be set aside to solicit input from the public concerning assistive technology needs and services.

If you have any questions, please contact: FFAST, Inc., 325 John Knox Road, Bldg. B., Tallahassee, FL 32303, (850)487-3278. If you would like to present information to the Board of Directors, or if you require reasonable accommodations due to a disability, please contact FFAST, Inc. at the above address at least 14 working days in advance of the meeting.

If a person decides to appeal any decision made by the Board of Directors with respect to any matter considered at such meetings, the person will need a record of the proceedings.

Additionally, the Board of Directors conduct committee teleconferences, at the call of the committee Chairs, to accomplish the goals and objectives of the committees between full Board meetings. If you would like to present information to a FFAST committee, attend a committee teleconference, or require reasonable telecommunication accommodations due to a disability, please contact the FFAST, Inc. office in writing at the above address.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs, Division of Emergency Management** announces the following public meeting:

COMMITTEE: Hurricane Loss Mitigation Program Advisory Council; Residential Construction Mitigation Program

DATE AND TIME: February 21, 2005, 9:30 a.m.

PLACE: Florida Department of Community Affairs, Randall Kelley Training Center, Room 305, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a Hurricane Loss Mitigation Program Advisory Council (RCMP) meeting pursuant to Section 215.559, Florida Statutes. The results of scoring by the RCMP Programmatic Review Panel of proposed projects submitted in response to the 2004-2006 RCMP Notice of Funding Availability (NOFA) shall be reviewed for recommendations to the Secretary of the Department of Community Affairs.

For more information, please contact: Charles McCool, Planning Manager, Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)488-3141.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will be taped by the Division of Emergency Management.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact Charles McCool at the Department of Community Affairs, (850)488-3141, at least ten (10) days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend.

DATE AND TIME: March 15, 2005, 1:00 p.m. – Open

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the Probable Cause Case Agenda can be obtained by calling Brenda Presnell, (850)410-8648, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Professional Compliance Section, Post Office Box 1489, Tallahassee, Florida 32302.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 2 weeks prior to the meeting.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation** announces a Steering Committee Meeting to gather input for the 2025 Florida Transportation Plan and we invite your participation in this important process.

DATES AND TIMES: February 24, 2005, 9:00 a.m. – 5:00 p.m.; February 25, 2005, 9:00 a.m. – 12:00 Noon

PLACE: Holiday Inn Capitol East, 1355 Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Transportation Plan establishes long-range goals that will guide the investment of over \$100 billion in Florida's transportation system over the next 20 years. The Florida Department of Transportation is updating this Plan to respond to new trends and challenges to meet the future mobility needs of Florida's residents, visitors, and businesses.

For more information, please contact: Lisa Stone, (850)414-4562, e-mail: lisa.stone@dot.state.fl.us, FTP Website: www.ftp2025.com.

Persons with disabilities who may require special accommodations should contact Lisa Stone, (850)414-4562, no later than one week prior to the meeting.

Public participation is solicited without regard to race, color, religion, sex, age, national origin, disability, or family status.

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

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting to which all persons are invited.

DATES AND TIME: Friday, February 18, 2005; Friday, February 25, 2005, 9:00 a.m. – conclusion

PLACE: Hermitage Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to announce a finalist in the search for a custodian for the SBA, pending contract negotiations.

Note that the meeting will be held on one of the two dates indicated. Please refer to the SBA's website, www.sbafla.com or call Robert Copeland, (850)413-1212, for the applicable date. The date will be available no later than 5:00 p.m. on February 16, 2005.

Anyone wishing further information should contact: Robert Copeland, Senior Operating Officer, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Robert Copeland, (850)413-1212, five days prior to the meeting so that appropriate arrangements can be made.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Wednesday, February 16, 2005, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purpose of standing committee meetings and the regular monthly meeting of the Florida Citrus Commission.

The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balanced scorecards, licensing, rulemaking and other matters addressed during monthly meetings of the Commission. The Commission may also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues related to the Tampa Juice, et. al. & Graves Brothers, et. al. vs. FDOC and The Lakeland Ledger Publishing Company, Publisher of The Ledger vs. FDOC. The parties attending the closed session will be John R. Alexander, Patrick Carlton, Michael L. Carrere, Tristan G. Chapman, W. Cody Estes, Sr., Harry H. Falk, William J. Ferrari, George T. Pantuso, Anina C. McSweeney, Stephen W. Ryan, Ray Smith, Andrew R. Taylor, Dan Gunter, Hank B. Campbell, Esq., Monterey Campbell, Esq., Barry Richard, Esq., and Kenneth O. Keck, Esq.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Bill Jones at the above address or by telephone at (863)499-2500.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 23, 2005, 8:30 a.m.

PLACE: Broward County Commission Chambers, Room 422, 115 South Andrews Avenue, Fort Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Control Release, and Addiction Recovery matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing to the Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

NOTICE OF CANCELLATION – The Florida **Public Service Commission** announces the cancellation of hearings noticed in:

Docket No. 040604-TL – Adoption of the National School Lunch Program and an income-based criterion at or below 135% of the Federal Poverty Guidelines as eligibility criteria for the Lifeline and Link-Up programs.

DATES AND TIME: February 21-22, 2005, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: *February 28, 2005, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

* In the event of a scheduling conflict, this meeting may be rescheduled to March 1, 2005, in Room 140, immediately preceding or immediately following the Commission Conference.

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: March 1, 2005, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Commission Hearing Room 148, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any

person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 041114-TP – Complaint of XO Florida, Inc. against BellSouth Telecommunications, Inc., for alleged refusal to convert circuits to UNEs; and request for expedited processing.

DATE AND TIME: 9:30 a.m., March 3, 2005

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the complaint of XO Florida, Inc. against BellSouth Telecommunications, Inc. for alleged refusal to convert circuits to UNEs; and request for expedited processing, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on February 7, 2005. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Haiti Advisory Group** announces the following meetings to which all interested parties are invited to attend.

DATES AND TIME: Friday, February 11, 2005, 9:00 a.m.–5:00 p.m.; Friday, February 25, 2005, 9:00 a.m. – 5:00 p.m.

PLACE: The Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL

NOTE: These meetings will take place on an as needed basis.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Group will discuss possible recommendations on critical needs for the reconstruction of Haiti.

For additional information, please contact: Michael Pilver, Executive Office of the Governor, (850)487-2568.

The **Governor's Faith-Based and Community Advisory Board** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Wednesday, February 23, 2005, 3:00 p.m.

PLACE: Conference call (850)487-8587, Leader John Brabson, Past Chair

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Board will discuss their future direction, as well as review the Initial Report of past board activities and board recommendations that will be presented to the Governor. Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact jennie.hopkins@myflorida.com at least 48 hours in advance of the meeting.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Nominating Committee

DATE AND TIME: February 24, 2005, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Nominating Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: February 24, 2005, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: Executive Committee

DATE AND TIME: February 24, 2005, 6:15 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: February 24, 2005, 7:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Quality Inn and Conference Center, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meetings, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by contacting: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653, e-mail: ncfrpc@ncfrpc.org.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited. (Please call to confirm date, time and location.)

MEETING: Executive/Budget Committee

DATE AND TIME: Monday, March 14, 2005, 9:00 a.m.

PLACE: Marriott Tampa Westshore, 1001 N. Westshore Blvd., Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council

DATE AND TIME: Monday, March 14, 2005, 10:00 a.m.

PLACE: Marriott Tampa Westshore, 1001 N. Westshore Blvd., Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee

DATE AND TIME: Monday, March 14, 2005, 11:30 a.m.

PLACE: Marriott Tampa Westshore, 1001 N. Westshore Blvd., Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency on Bay Management

DATE AND TIME: Thursday, March 10, 2005, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee

DATE AND TIME: Monday, March 28, 2005, 9:30 a.m.

PLACE: 4000 Gateway Centre Blvd., #100, Pinellas Park, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: February 18, 2005, 9:30 a.m.

PLACE: Ramada Inn, 1200 S. Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly 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, (561)221-4060, at least 48 hours before the meeting.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 24, 2005, 11:00 a.m. Eastern Time, 10:00 a.m. Central Time

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: New Board Member Orientation Workshop.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Suite 1, Blountstown, FL 32424, (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: February 24, 2005, 1:30 p.m. (CST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Administration, Budget and Finance Committee – to discuss renewal of employee health, life and dental insurance.

DATE AND TIME: February 24, 2005, 2:00 p.m. (CST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee meeting – to discuss land management and acquisition matters.

DATE AND TIME: February 24, 2005, 2:45 p.m. (CST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Governing Board meeting – to consider District business.

DATE AND TIME: February 24, 2005, 3:00 p.m. (CST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing for Consideration of Regulatory Matters.

DATE AND TIME: February 24, 2005, 3:15 p.m. (CST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Land Acquisition Matters.

PLACE: Jackson County Commission Chambers, 2864 Madison Street, Marianna, Florida

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999, website: www.state.fl.us/nwfwmd.

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, 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 or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **Southwest Florida Water Management District** announces a public meeting, hearing or workshop to which all persons are invited.

DATE AND TIME: Wednesday, February 16, 2005, 4:00 p.m.

PLACE: Bartow Service Office, 170 Century Boulevard, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street (U.S. 41, South), Brooksville, Florida 34604, (352)796-7211 or 1(800)231-6103, Suncom 628-4150, TDD ONLY 1(800)231-6103.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Dianna Brass, (352)796-7211, Extension 4604, 1(800)423-1476, Extension

4604, Suncom 628-4150. If you are hearing or speech impaired, please contact the District by calling TDD ONLY 1(800)231-6103.

Any person deciding to appeal any decision made by the Board with respect to any matter considered at this hearing or meeting will need a record of the proceeding, and for such purpose that person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

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, February 22, 2005, 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, including Intention to amend the District's fiscal year (FY) 2005 budget as follows:

Increase the FY 2005 General Fund budget by \$2,707,000 to reflect unanticipated revenue from the U.S. Federal Emergency Management Agency for watershed management and floodplain mapping efforts in Desoto (\$770,000), Hardee (\$737,000) and Polk (\$1,200,000) counties; and

Increase the FY 2005 Withlacoochee River Basin budget by \$99,299 to reflect \$60,000 in unanticipated revenue from Marion County for the Marion County – Post Process Topographic Data project, and \$39,299 in unanticipated revenue from the Water Management Lands Trust Fund for the start-up land management costs associated with the Boy Scout Tract, Flying Eagle project.

The proposed budget amendment will have no impact on ad valorem taxes.

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, February 23, 2005, 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.

PEACE CREEK WATERSHED COORDINATION COMMITTEE MEETING

DATE AND TIME: Thursday, February 24, 2005, 1:30 p.m.

PLACE: SWFWMD, Bartow Service Office, 170 Century Boulevard, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee business.

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: Monday, February 14, 2005, 10:00 a.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Issues Workshop on Initial Reservations.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 1130, 3301 Gun Club Road, West Palm Beach, FL 33406.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, SFWMD, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6447.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, February 14, 2005, 2:00 p.m.

PLACE: The South Florida Water Management Headquarters, Storch Room, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Issues Workshop on Supply Side Management.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 1130, 3301 Gun Club Road, West Palm Beach, FL 33406.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, SFWMD, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6447.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, February 17, 2005, 4:00 p.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Issues Workshop on Recreational Activities.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 1130, 3301 Gun Club Road, West Palm Beach, FL 33406.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, SFWMD, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6447.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, February 24, 2005, 10:00 a.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained by contacting: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, Website: <http://www.sfwmd.gov/org/ema/toc/draftagenda.html>.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary

for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Dr. Garth Redfield, Environmental Resource Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, (561)682-6611.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, February 28, 2005, 10:00 a.m.

PLACE: Max A. Hasse Jr. Community Park, 3390 Golden Gate Blvd., West, Meeting Room A, Naples, FL 34120

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Issues Workshop on the Lower West Coast Water Supply Plan Update

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 4350, 3301 Gun Club Road, West Palm Beach, FL 33406.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Linda Hoppes, SFWMD, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-2213.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Medicaid Committee Meeting to which all persons are invited.

DATE AND TIME: Friday, February 18, 2005, 1:00 p.m. – completion

PLACE: Renaissance Orlando Hotel – Airport, 5445 Forbes Place, Orlando, Florida 32812, Conference Call Number (850)921-6623, Suncom 291-6623

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow CUTR to present their findings and recommendations on methodologies for the development of funding allocations for the CTD Medicaid Non-Emergency Transportation (NET) Program for FY 2005-06, and other business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Erin Schepers, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Rate Review Committee Meeting to which all persons are invited.

DATE AND TIME: Monday, February 28, 2005, 8:30 a.m. – 10:00 a.m.

PLACE: Wyndham Miami Airport, 3900 N. W. 21st Street, Miami, Florida 33142

GENERAL SUBJECT MATTER TO BE CONSIDERED: To approve rate increase requests, rate methodologies, and other business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Erin Schepers, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Full Commission Meeting to which all persons are invited.

DATE AND TIME: Monday, February 28, 2005, 10:30 a.m. – completion

PLACE: Wyndham Miami Airport, 3900 N. W. 21st Street, Miami, Florida 33142

GENERAL SUBJECT MATTER TO BE CONSIDERED: To approve the methodologies for the development of funding allocations for the CTD Medicaid Non-Emergency Transportation (NET) Program presented by CUTR to the Medicaid Committee and other business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Erin Schepers, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Regular Board Meeting to which all persons are invited:

DATE AND TIME: Monday, February 28, 2005, 9:00 a.m.

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

The **Tampa Bay Water**, Board of Directors amended the 2005 Meeting Schedule of the Board of Directors which was previously advertised with an incorrect date. The correct schedule is indicated below; all persons are invited.

DATES AND TIMES: January 24, 2005 (Fourth Monday of January); February 28, 2005 (Fourth Monday of February); April 18, 2005 (8:30 a.m. start for Budget Workshop); June 20, 2005; August 15, 2005; October 17, 2005; December 19, 2005, 9:00 a.m. unless otherwise set by the Board

PLACE: 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org.

If an accommodation is needed for a disability in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** will hold a conference call with the signers of the Triad Resolution and other interested parties.

DATE AND TIME: Wednesday, March 2, 2005, 11:00 a.m.

PLACE: Call In Number (850)410-0960, Suncom 210-0960

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss matters related to the Statewide Triad.

For a copy of the agenda contact: Ann Getman, (850)414-2072, Suncom 997-2072.

The **Department of Elder Affairs, Long-Term Care Ombudsman Program** announces the following Schedule of District Council Meetings – OPEN SESSION – for February, 2005.

Northwest Florida Ombudsman Council
 DATE AND TIME: Call 1(850)595-8013
 PLACE: T & C Plaza, 3300 N. Pace Boulevard, 1st Floor, Pensacola, FL 32505
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Issues.

Panhandle Ombudsman Council
 DATE AND TIME: Call 1(850)921-4703
 PLACE: Department of Environmental Protection, Carr Building, Room 170, 3700 Commonwealth Blvd., Tallahassee, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Issues.

North Central Florida Ombudsman Council
 DATE AND TIME: Call 1(352)955-5015
 PLACE: Hospice of North Central FL, 4200 N. W. 97th Blvd., Room 2, Gainesville, FL 32606
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Issues.

Withlacoochee Area Ombudsman Council
 DATE AND TIME: Call 1(352)620-3088
 PLACE: Lake-Sumter Community College, 1405 County Rd. 526A, Sumterville, FL 33585
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Issues.

First Coast Ombudsman Council
 DATE AND TIME: Call 1(904)723-2058
 PLACE: Dept. of Children and Family Services, Auditorium, 5920 Arlington Expwy., Jacksonville, FL 32211
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Issues.

First Coast South Ombudsman Council
 DATE AND TIME: Call 1(386)226-7846
 PLACE: Daytona Regional Center, Conf Room 148, 201 N. Palmetto, Daytona Beach, FL 32114
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Issues.

Pasco and North Pinellas Ombudsman Council
 DATE AND TIME: Call 1(727)834-3127
 PLACE: Council Square II, 7601 Little Road, Room 150, New Port Richey, FL 34654
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Issues.

Mid and South Pinellas Ombudsman Council

DATE AND TIME: Call 1(727)588-6912
 PLACE: Mary Grizzle Bldg, 11351 Ulmerton Rd, Conf Room 309A, Largo, FL 33778
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Issues.

West Central Florida Ombudsman Council
 DATE AND TIME: Call 1(813)558-5591
 PLACE: First Presbyterian Church, Fellowship Hall, 121 Carver Avenue, Brandon, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Issues.

South Central Florida Ombudsman Council
 DATE AND TIME: Call 1(863)413-2764
 PLACE: Rath Senior CoNEXTions & Ed Ctr, 1350 E. Main St., Suite 200, Bartow, FL 33830
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Issues.

East Central Florida Ombudsman Council
 DATE AND TIME: Call 1(407)228-7752
 PLACE: Tedder Bldg., 988 Woodcock Road, Downstairs Board Room, Orlando, FL 32803
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Issues.

Southwest Florida Ombudsman Council
 DATE AND TIME: Call 1(239)338-1493
 PLACE: Temple Shalom, 23190 Utica Avenue, Port Charlotte, FL 33949
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Issues.

Palm Beach County Ombudsman Council
 DATE AND TIME: Call 1(561)837-5038
 PLACE: 111 S. Sapodilla Avenue, Room 113 B, West Palm Beach, FL 33401
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Issues.

Treasure Coast Ombudsman Council
 DATE AND TIME: Call 1(772)595-1385
 PLACE: 337 N. 4th Street, Conference Room 104, Ft. Pierce, FL 34950
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Issues.

Broward County Ombudsman Council
 DATE AND TIME: Call 1(954)747-7919
 PLACE: Broward County Emergency Op. Ctr., 201 N. W. 84th Avenue, Plantation, FL 33324
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Issues.

North Dade Ombudsman Council

DATE AND TIME: Call 1(305)336-1418
 PLACE: Conference Room, 7270 N. W. 12th Street, Suite 130, Miami, FL 33126
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Issues.

South Dade and The Florida Keys Ombudsman Council

DATE AND TIME: Call 1(305)671-7245
 PLACE: 7300 N. Kendall Drive, Suite 780, Conference Room, Miami, FL 33156
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Long-Term Care Issues.

Please call Toll Free: 1(888)831-0404 for additional information and clarification.

The **Northwest Florida Area Agency on Aging, Inc.**, Board of Directors announces its monthly meetings for year 2005. The public is invited to attend.

DATES AND TIME: February 9, 2005; March 9, 2005; April 13, 2005; May 11, 2005; June 8, 2005; July 13, 2005; August 10, 2005; September 14, 2005; October 12, 2005; November 9, 2005; December 14, 2005, 6:00 p.m.

PLACE: February, April, June, August and October – Plaza Building Conference Room, 1st Floor, 3300 N. Pace Blvd., Pensacola, FL 32505; March, May, July, September and November – Council Chambers, City of Niceville, 208 N. Partin Drive, Niceville, FL; December – Ramada Beach Resort, 1500 Miracle Strip Parkway, S. E., Ft. Walton Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss policy/activities/service provision/funding and/or other information pertinent to the activities of the agency.

A copy of the agenda may be obtained by writing: Dottie Peoples, Northwest Florida Area Agency, Inc., 3300 N. Pace Blvd., Suite 200, Pensacola, FL

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: Wednesday, February 23, 2005, 1:00 p.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 Barbara Lenczewski, (850)922-5569, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Lisa Eaton, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at <http://www.fdhc.state.fl.us/SCHS/chismetings.shtml> seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited to call in.

DATE AND TIME: Monday, February 14, 2005, 6:00 p.m. – 8:00 p.m.

PLACE: To access the “Meet-Me” number call (850)410-0966, Suncom 210-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of General Administrative Issues, Board of Directors Officers of the Florida Patient Safety Corporation, as authorized by Chapter 2004-297, Laws of Florida.

For additional information contact: Linda Colvin, Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308, (850)922-0791, e-mail: COLVINL@fdhc.state.fl.us.

The **Agency for Health Care Administration** announces two public meetings of the Council for the Regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: February 18, 2005, 1:00 p.m. – 3:00 p.m.
 PLACE: Via Conference Call, (850)410-0967

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with HB 1843, Section 13 (9) of the 2004-05 Florida Legislature, and Section 409.911, F.S., the Agency for Health Care Administration has created the Medicaid Disproportionate Share Council:

The purpose of the council is to study and make recommendations regarding:

1. The formula for the regular disproportionate share program and alternative financing options;
2. Enhanced Medicaid funding through the Special Medicaid Payment program; and
3. The federal status of the upper-payment-limit funding option and how this option may be used to promote health care initiatives determined by the council to be state health care priorities.

The council shall include representatives of the Executive Office of the Governor and of the agency; representatives from teaching, public, private nonprofit, private for-profit and family practice teaching hospitals; and representatives from other groups as needed.

The council shall submit its findings and recommendations to the Governor and the Legislature no later than February 1 of each year.

The agenda has not been set. Contact Edwin Stephens, (850)413-8067, Suncom 294-8067, with any questions or to obtain an agenda when it is set.

The **Agency for Health Care Administration** announces two public meetings of the Council for the Regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: February 25, 2005 10:00 a.m. – 12:00 Noon

PLACE: Via Conference Call, (850)414-1711

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with HB 1843, Section 13 (9) of the 2004-05 Florida Legislature, and Section 409.911, F.S., the Agency for Health Care Administration has created the Medicaid Disproportionate Share Council:

The purpose of the council is to study and make recommendations regarding:

1. The formula for the regular disproportionate share program and alternative financing options;
2. Enhanced Medicaid funding through the Special Medicaid Payment program; and
3. The federal status of the upper-payment-limit funding option and how this option may be used to promote health care initiatives determined by the council to be state health care priorities.

The council shall include representatives of the Executive Office of the Governor and of the agency; representatives from teaching, public, private nonprofit, private for-profit and family practice teaching hospitals; and representatives from other groups as needed.

The council shall submit its findings and recommendations to the Governor and the Legislature no later than February 1 of each year.

The agenda has not been set. Contact Edwin Stephens, (850)413-8067 or Suncom 294-8067, with any questions or to obtain an agenda when it is set.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN that the **Digital Divide Council** will hold a one-day meeting to which all interested persons are invited to participate.

DATE AND TIME: Monday, February 21, 2005, 12:30 p.m. – 2:30 p.m.

PLACE: Room, 117, Knott Building, 400 South Monroe Street, Tallahassee, Florida 32399 (Conference call capability will be available. Dial up number – (850)414-1706, Suncom 994-1706)

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 7, 2005, 8:00 a.m. – 11:30 a.m.

PLACE: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to discuss the daily functions and activities of the Commission.

For information, contact: Denise Crawford, Clerk of the Commission, (850)488-7082, Ext. 1032.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meetings, to which all persons are invited to attend.

DATE AND TIME: February 24, 2005, 9:00 a.m.

PLACE: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Blvd., Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting, portions may be closed to the public.

The following cases are open to the public:

- Susan Andrews, Case No. 2004-035419
- Architectural Home Planners Ltd. Co., Case No. 2004-033765
- Arcvision, Inc., Case No. 2004-057480
- Bella's Home Furnishings, Inc., Case No. 2005-003424
- Cannon Design, Case No. 2004-054886
- Classic Art Supply House, Inc., Case No. 2004-059755
- Commercial Furnishings, Case No. 2003-077459
- Crusardi & Associates, Inc., Case No. 2004-053623
- Edward DeLeon, Case No. 2004-034780
- Distinctive D-Zines, Case No. 2004-059803
- Juan Garrido, Case No. 2004-054890
- Stacey Goldman, Case No. 2004-002097
- International Banking Technologies, Case No. 2004-057482
- Intrinsic Design, Inc., Case No. 2004-057612
- KWQ Architecture, Case No. 2004-034744
- Sharon Laird, Case No. 2004-046565
- Randall Marks, Case No. 2003-081766
- Dana Micallef, Case No. 2004-045539
- James Moncada, Case No. 2004-026260
- Tasuku Ohazama, Case No. 2001-09506
- Pilar Santamaria, Case No. 2004-053422
- Phillip Sides, Case No. 2004-043524

Thomas F. Tedrow, Case No. 2004-057440
 Deborah Ventrice, Case No. 2004-057266
 Albert L. Wengerhoff, Case No. 2004-057186
 Willow of Palm Beach, Inc., Case No. 2005-038570
 Windigo Architects, P.A., Case No. 2004-049626

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, FL 32308-4893.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Smith, Thompson, Shaw & Manausa, P.A., (850)402-1570, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: February 22, 2004, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, March 9, 2005, 2:00 p.m.; Thursday, March 10, 2005, 8:00 a.m.; Friday, March 11, 2005, 8:00 a.m.

PLACE: DoubleTree Guest Suites Tampa Bay, 3050 North Rocky Point Drive, West, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Avenue, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay, 1(800)955-8771 (TDD) 1(800)955-8770 (Voice).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, April 13, 2005, 2:00 p.m.; Thursday, April 14, 2005, 8:00 a.m.; Friday, April 15, 2005, 8:00 a.m.

PLACE: Embassy Suites Orlando Downtown, 191 East Pine Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Avenue, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701. at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay, 1(800)955-8771 (TDD) 1(800)955-8770 (Voice).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, May 11, 2005; 2:00 p.m.; Thursday, May 12, 2005, 8:00 a.m.; Friday, May 13, 2005, 8:00 a.m.

PLACE: Embassy Suites Deerfield Beach, 950 Ocean Drive, Deerfield Beach, FL 33441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Avenue, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay, 1(800)955-8771 (TDD) 1(800)955-8770 (Voice).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, June 8, 2005, 2:00 p.m.; Thursday, June 9, 2005, 8:00 a.m.; Friday, June 10, 2005, 8:00 a.m.

PLACE: Sawgrass Marriott Resort and Spa, 100 PGA Tour Blvd., Ponte Vedra, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Avenue, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay, 1(800)955-8771 (TDD) 1(800)955-8770 (Voice).

The Florida **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited to participate.

DATE AND TIME: February 28, 2005, 11:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL, (850)410-0968, Suncom 210-0968

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Board of Pilot Commissioners, (850)922-5012, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Building Code Administrators and Inspectors Board** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: March 23, 2005, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review Committee Meeting.

DATE AND TIME: March 24, 2005, 8:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules and Legislation, Examination and Continuing Education, Executive Committee Meetings and General Board and Business Meeting.

General Board and Business Meeting

DATE AND TIME: March 25, 2005, 9:00 a.m.

PLACE: Best Western Rolling Hills Resort, 3501 West Rolling Hills Circle, Ft. Lauderdale, FL 33328

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, (850)922-5012, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation**, Bureau of Education and Testing announces an Educational Taskforce and Real Estate Instructor Seminar meeting to which all persons are invited at the time, date, and place shown below:

DATE AND TIME: February 17, 2005, 9:00 a.m. – 4:00 p.m.

PLACE: Department of Transportation, Regional Service Center, Lake Apopka (A) Conference Room, 133 South Semoran Blvd., Orlando, Florida 32807, (407)482-7800

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the seminar is to discuss education issues allowing instructors the opportunity to share their comments.

INSTRUCTORS WILL NOT RECEIVE CONTINUING EDUCATION CREDIT FOR ATTENDING THIS SEMINAR.

Any person requiring a special accommodation at this seminar because of a disability or physical impairment should contact the Department of Transportation, Regional Service Center, (407)482-7800 (between the hours of 9:00 a.m. and 4:00 p.m.), at least five calendar days prior to the seminar. If you are hearing or speech impaired, please call the Department of Transportation, Regional Service Center using the Florida Dual Party Relay System, 1(800)955.8770 (Voice) and 1(800)955-8771 (TDD).

For information regarding the seminar, please contact: Alex Bosque, Examination Development Supervisor, Bureau of Testing and Education, (850)922-8036, e-mail: alex.bosque@dbpr.state.fl.us.

The Florida **Mobile Home Relocation Corporation** announces a subcommittee meeting.

DATE AND TIME: February 18, 2005, 2:00 p.m.

PLACE: Teleconference

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is to discuss the General Counsel's contract.

A copy of the agenda and/or the call-in number may be obtained by writing: FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, or calling Mandy Lemons, 1(888)862-7010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Mandy Lemons, 1(888)862-7010.

The Florida **Mobile Home Relocation Corporation** announces a meeting of its Board of Directors. The board will consider mobile home applications for abandonment and relocation compensation due to evictions as a result of a change in land use.

DATE AND TIME: Thursday, February 24, 2005, 9:30 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL 22760

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, 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: Mandy Lemons, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The **Board of Acupuncture** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, March 11, 2005, 9:00 a.m. or soon thereafter

PLACE: Orlando Holiday Inn Select, 5750 T. G. Lee Boulevard, Orlando, Florida 32822, (407)851-6400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Acupuncture, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Clinical Laboratory Personnel** will hold a duly noticed telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, February 25, 2005, 9:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Bin #C07, Tallahassee, FL; Meet Me Number (850)410-0968

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, website: www.doh.state.fl.us/mqa/ClinLab/clp_home.html.

The **Department of Health, Board of Medicine**, Electrolysis Council announces a conference call to which all persons are invited.

DATE AND TIME: February 21, 2005, 9:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

PLACE: Number (850)414-1706, Suncom 994-1706

A copy of the agenda may be obtained by writing: Department of Health, Electrolysis Council, 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 council office, (850)245-4373. If you are hearing or speech impaired, please contact: 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 council 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 Florida **Board of Medicine** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, March 2, 2005, 12:00 Noon

PLACE: Meet me Number – Contact: Florida Board of Medicine, (850)245-4131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the

proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The **Board of Nursing**, South Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: February 17, 2005, 5:00 p.m. – 8:00 p.m.

PLACE: Department of Health, Tallahassee, FL; Meet Me Number (850)921-5551

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 **Board of Nursing**, Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: March 16, 2005, 5:00 p.m.

PLACE: Department of Health, Tallahassee, FL; Meet Me Number (850)921-5551

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**, Negative Drug Formulary Committee announces a public meeting to which all persons are invited.

DATE AND TIME: March 3, 2005, 1:00 p.m.

PLACE: Teleconference Meeting (850)921-5230, Toll Free 1(888)816-1123

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss Levothyroxine.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Danna Droz, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4292, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he/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 based.

The **Department of Health, Board of Psychology** announces a conference call of the board to which all persons are invited:

DATE AND TIME: March 11, 2005, 8:00 a.m. or soon thereafter

PLACE: Numbers Toll Free 1(800)416-4132

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quorum Call.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850) 488-0595. If you are hearing or speech impaired, please contact the department 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**, Bureau of Community Environmental Health announces workshop meetings on Chapter 64E-14, F.A.C., to which all persons are invited.

DATE AND TIME: February 23, 2005, 10:00 a.m.

PLACE: Martin County Health Department, Environmental Health Conference, Room 3441, S. E. Willoughby Boulevard, Stuart, Florida

DATE AND TIME: February 25, 2005, 10:00 a.m.

PLACE: Arcadia Elks Lodge, 1028 West Oak Street, Arcadia, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed changes to Chapter 64E-14, Florida Administrative Code, Camps will be discussed. The proposed rule amendments relate to definitions, inspections, forms, variances, personal hygiene facilities, food service facilities, beds and bedding, citations, and animal health and safety. Time permitting, the participants will discuss any other proposed changes to that chapter that may be raised during the workshop.

A copy of the proposed rule changes may be obtained by writing or calling: Mrs. Sharon Saulter, Environmental Specialist III, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399, (850)245-4277.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Mrs. Saulter at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact Mrs. Saulter using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-9771 (TDD).

The **Department of Health** announces a public meeting to which all persons are invited:

DATE AND TIME: February 14, 2005, 10:00 a.m. – 2:00 p.m.

PLACE: Department of Health, Southwood Office Complex, 4025 Esplanade Way, Room 340, Tallahassee, Florida 32311-7829

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Leadership Council Tobacco Control, Comprehensive Tobacco Prevention and Control.

A copy of the agenda may be obtained by contacting: Maria Jones, (850)245-4144, Ext. 2572.

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: February 9, 2005, 8:00 a.m. – 11:00 a.m.

PLACE: Clem C. Benton Bldg., Room 335, 337 N. US Hwy #1, Ft. Pierce, FL 34950

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4178

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

ALLIANCE MEETING

DATE AND TIME: February 25, 2004, 8:30 a.m. – 10:30 a.m.

PLACE: St. Lucie County Public School, School Board Office, 4204 Okeechobee Road, Fort Pierce, Florida 34947-5414

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)8770 (Voice) and 1(800)955-8771 (TDD).

NOTICE OF CANCELLATION – The **Department of Children and Family Services, Mental Health Program** Office, hereby cancels the workshop advertised in the October 22, 2004, Florida Administrative Weekly.

DATE AND TIME: February 15, 2005, 10:00 a.m.

PLACE: The Department of Children and Family Services, District 4, Office Auditorium 4, 5920 Arlington Expressway, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine the fiscal impact, if any, of including in the involuntary examination provisions of the Baker Act licensed

mental health counselors and other mental health professionals who are not presently permitted by law to seek involuntary examination under the Baker Act.

NAVIGATION DISTRICTS

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, February 19, 2005, 8:00 a.m.

PLACE: The City Commission Chambers, City of Fort Pierce, 100 N. U.S. Hwy. 1, Ft. Pierce, St. Lucie County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Finance and Budget and Land Acquisition and Management Committees will meet.

Please contact the District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces two breakout meetings of the Florida Marine Fisheries Summit, initially held on November 18, 2004, in St. Petersburg, Florida. The Recreational and Commercial Subgroups will meet as follows:

Recreational Subgroup

DATE AND TIME: February 19, 2005, 9:00 a.m. – 4:00 p.m.

PLACE: FWC Lakeland Field Office, 3900 Drane Field Road, Lakeland, Florida

Commercial Subgroup

DATE AND TIME: February 21, 2005, 9:00 a.m. – 4:00 p.m.

PLACE: FWC Lakeland Field Office, 3900 Drane Field Road, Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: At the first meeting of the Florida Marine Fisheries Summit, held November 18, 2004, attendees were given a choice of participating in one of three "breakout" groups. Two of these groups were designated as recreational and commercial. Each group identified key topics and themes to establish the basis for

developing a common vision for the management of Florida's marine fisheries. These meetings allow for a continuation of those initial discussions.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five calendar days before the workshop/meeting by the ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Mark Robson, Division of Marine Fisheries Management, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The Florida Fish and Wildlife Conservation Commission announces a facilitated stakeholder meeting to discuss and examine manatee issues.

DATES AND TIMES: Tuesday, February 22, 2005, 10:00 a.m.; Wednesday, February 23, 2005, 8:00 a.m.

PLACE: Florida Wildlife Research Institute (Formerly FMRI), 100 8th Ave., S. E., St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to provide a forum where specific stakeholders to the agency and its federal partners can discuss and evaluate current issues concerning the manatee. The meeting is open to the public, however, space is limited. This meeting will be structured and facilitated and the opportunity for public comment will be limited.

Questions about the meeting should be directed to: Ms. Carol Knox, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section 6A, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Janis Magee, (727)893-8626. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD) or (850)488-9542, within the Tallahassee area.

FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY BOARD

The Florida Atlantic Research and Development Authority Board will hold a regular meeting to which all interested parties are invited.

DATE AND TIME: Wednesday, February 16, 2005, 8:00 a.m.

PLACE: State Farm Hurricane House, 1345 FAU Research Park Blvd., Deerfield Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Park Procedures and agreements.

For agenda or information contact: Scott Ellington, (561)416-6092, e-mail: scott@research-park.org.

SCRIPPS FLORIDA FUNDING CORPORATION

The Audit Committee of the Board of Directors of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Monday, February 21, 2005, 11:30 a.m.

PLACE: 8th Floor Conference Room, 505 South Flagler Drive, West Palm Beach, FL 33401

PLACE: Conference call 1(877)242-6519, Conference ID #3721878, Leader Sara Misselhorn

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Audit Committee will review with Funding's auditors Scripps's audited financial statements and management letters, Scripps' compliance audit, and reports on internal controls, if any; review results from implementation of Monitoring Checklist and Scripps' compliance with Operating and Funding Agreement; and review unaudited financials for the quarter ended December 31st.

The date, time and/or place are subject to change.

Please check <http://www.myflorida.com/myflorida/government/governorinitiatives/otted/index.html> for meeting date, time, place, and materials.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact sara.misselhorn@myflorida.com, at least 48 hours in advance of the meeting.

The Board of Directors of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Monday, February 28, 2005, 4:00 p.m.

PLACE: Conference call 1(877)242-6519, Conference ID #3859364, Leader Marshall Criser

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Board will confirm all things discussed at the 2/21 Audit Committee meeting, review the wire transfer and review the status of the Permanent Site in Palm Beach County.

The date, time and/or place are subject to change.

Please check <http://www.myflorida.com/myflorida/government/governorinitiatives/otted/index.html> for meeting date, time, place and materials.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact sara.misselhorn@myflorida.com, at least 48 hours in advance of the meeting.

FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces an Audit Committee meeting to which all interested parties are invited to attend.

DATE AND TIME: February 24, 2005, 8:00 a.m. – 9:00 a.m. (Eastern Time) or as soon as business has been concluded

PLACE: DoubleTree Hotel, Adams Park Room, 101 South Adams Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Audit Committee of the Florida Insurance Guaranty Association will meet to discuss the Department of Financial Services’ Operational Audit Report of the Florida Insurance Guaranty Association and other general audit issues of the committee.

A copy of the agenda may be obtained by contacting: Mr. Anthony Grippa, (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate the meeting is asked to advise the Association by contacting Mr. Anthony Grippa, (850)386-9200, at least 48 hours before the session if the person wishes to participate. A person who is hearing or speech impaired may also contact the TDD 1(800)955-1339.

The **Florida Insurance Guaranty Association** announces a Board meeting to which all interested parties are invited to attend.

DATE AND TIME: February 24, 2005, 9:00 a.m. – 12:00 Noon (Eastern Time) or as soon as business has been concluded

PLACE: DoubleTree Hotel, Adams Park Room, 101 South Adams Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Florida Insurance Guaranty Association will meet regarding the regular business of the Association.

A copy of the agenda may be obtained by contacting: Mr. Anthony Grippa, (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate the meeting is asked to advise the Association by contacting Mr. Anthony Grippa, (850)386-9200, at least 48 hours before the session if the person wishes to participate. A person who is hearing or speech impaired may also contact the TDD, 1(800)955-1339.

VISIT FLORIDA

NOTICE OF RESCHEDULING – The **VISIT FLORIDA** announces that the public meeting of the Rural Tourism Committee of the New Product Development Council originally scheduled for January 31, 2005 has been rescheduled as follows:

DATE AND TIME: February 25, 2005, 10:00 a.m. EST

PLACE: Island Room Restaurant, 192 Second St., Cedar Key, FL 32625, (352)543-6520

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the business of the VISIT FLORIDA Rural Tourism Committee.

For further information contact: Jill Rutli, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 347.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

CRIMINAL JUSTICE TRAINING INSTITUTE

The **Indian River Community College**, Criminal Justice Training Institute announces a public meeting for the Region XI, Training Council, to which the public is invited.

DATE AND TIME: March 2, 2005, 10:00 a.m.

PLACE: Indian River Community College, Main Campus, Portables C-230, 3209 Virginia Avenue, Fort Pierce, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review information gathered at the February State Commission meeting, provide update on training classes, and any other issues involving the region.

Section VII

**Notices of Petitions and Dispositions
Regarding Declaratory Statements**

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Chiropractic Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on February 1, 2005 by Fred M. VanderSchaaf, D.C. The Petitioner seeks the Board’s interpretation of the application of Section 460.403(9)(a), Florida Statutes. Specifically, the Petitioner requests that the Board issue a Declaratory Statement to the effect that Section 460.403(9)(a), Florida Statutes, permits Petitioner to involve and allow the instruction of the practice of Yoga in adjunct to his chiropractic practice.

Copies of the petition may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

The Board of Nursing hereby gives notice that it has received a Petition for Declaratory Statement filed on January 24, 2005 by Frederick J. Baudoin d’Ajoux RN, ANM. The Petitioner seeks the Board’s interpretation of the application of subsection 64B9-12.002(1) and Rule 64B9-12.005, F.A.C. Specifically, the Petitioner requests that the Board issue a Declaratory Statement to the effect of determining under subsection 64B9-12.002(1) and Rule 64B9-12.005, F.A.C., whether it is within the scope of practice of the Licensed Practical Nurse to place peripheral midline catheters.

This petition will be considered at the Board meeting of April 13-14, 2005. Copies of the petition may be obtained by writing Dan Coble, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259.

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:

Holmes Regional Medical Center, Inc. d/b/a Holmes Regional Medical Center vs. Agency for Health Care Administration; Case No.: 05-0146RX; Rule No.: 59C-1.038

Wolfsdorf and Raszynski, M.D., P.A., Alberto Marante, M.D. and Anwar M. Vardag, M.D. vs. Agency for Health Care Administration; Case No.: 05-0092RX; Rule No.: 59G-4.230

Florida Coalition for the Homeless, Inc., Alice Laguerre, Josephine Gonzales and the Center for Affordable Housing, Inc. vs. Florida Housing Finance Corporation; Case No.: 05-0163RP; Rule Nos.: 67-21, 67-48

Golden Rule Insurance Company vs. Department of Financial Services, Office of Insurance Regulation; Case No.: 05-0159RP; Rule No.: 69O-149.042

Ronald Cirrincione vs. Department of Agriculture and Consumer Services; Case No.: 05-0145RU

Citrus Oaks Homeowners Association, Inc. and Joy Hutchison, as parent, Legal Guardian and next friend of Jamie Petrov, a minor and Krista Petrov, a minor vs. Orange County School Board; Case No.: 05-0160RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Richard W. Merritt, D.C. vs. Department of Health and The Florida Insurance Council; The Property Casualty Insurers Association of America; The American Insurance Association; The National Association of Mutual Insurance Companies, et al; Case No.: 04-1149RX; Rule No.: 64B-3.004; Invalid

Florida Prisoners’ Legal Aid Organization, Inc. vs. Department of Corrections; Case No.: 04-4094RP; Rule No.: 33-210.101(22); Dismissed

Section IX

Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: ITB-05MW-00238, DHRE #HSO5417-50, North Hall Fire Code Corrections, estimated budget: \$200,000, to be opened March 11, 2005 at 2:00 p.m. Local Time. Scope of work: Providing fire sprinklers and fire alarm system in North Hall, along with related work. Base bid requires all above ground fire sprinkler piping being black steel. Specifications and Plans are available in Purchasing Division, Elmore Hall, Radio Road, Gainesville, FL 32611, Telephone (352)392-1331. A Mandatory Pre-Bid Meeting will be held February 16, 2005, at 9:00 a.m. in the Weaver Hall Conference Room, Room 127, Gainesville, FL. All questions should be directed to Jennifer Gresh, UF Purchasing (352)392-1331. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, (352)392-1331, within three (3) days of the event.

CALL FOR BIDS

made by Florida A & M University (FAMU)

PROJECT NAME: Furniture for Carnegie Library Remodeling/Expansion (Restoration of Building). **PROJECT NUMBER:** BR-304, **LOCATION:** Florida A & M University, Tallahassee, FL 32307.

PROJECT DESCRIPTION: Provide Library furnishings, Fixed and Mobile Shelving, Fixed Seating, Metal Workcenters and Tables, Office and Computer Furniture. The furnishings are for the Renovated and Restored existing 5,000 SF Carnegie Library and the New Addition of the Black History Archive and Museum Facility. The New Addition is a four-level, approximately 30,000 SF building including research, storage, exhibit and administrative spaces. The estimated budget is \$450,000. **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: March 3, 2005, until 2:00 p.m., local time.

PLACE: Plant Operations Facilities, Building A, Room 100, 2400 Wahnish Way, Florida A & M University, Tallahassee, FL, immediately after which time and place they will be publicly opened and read aloud down the hall in one of the conference rooms (Bid Tabulation will be posted back in Suite 100).

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: Modern Digital Imaging, 519 North Monroe St., Tallahassee, FL 32301, (850)222-7514, or the office of the Architect/Engineer: Karl Thorne Associates, Inc., 1216 N. W. 9th Avenue, Gainesville, FL 32601, Phone (352)377-8343, Fax (352)377-2872.

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the Office of Supplier Diversity, Department of Management Services. FAMU is an equal opportunity / equal access university.

PRE-SOLICITATION/PRE-BID MEETING: The Bidder is required 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. This mandatory meeting has been scheduled for:

DATE AND TIME: February 16, 2005, at 11:00 a.m., local time.

PLACE: Florida A & M University, Plant Operations Building, Room 100, 2400 Wahnish Way, Tallahassee, FL.

PURCHASE: Full sets of bidding documents may be examined at the Architect/Engineer's office and Modern Digital Imaging, 519 North Monroe St., Tallahassee, FL 32301, (850)222-7514 and are sold subject to the provisions of Article B-27 of the Instructions to Bidders. Full electronic sets of Bidding Documents (Adobe Acrobat format) may be requested from the Architect/Engineer's office. The Architect/Engineer is not responsible for the compatibility of these files with the bidder's software. Bidders who purchase documents must register with the Architect/Engineer by sending an electronic mail message to: ktaap@bellsouth.net. The message must acknowledge that the bidder has reviewed a full set of documents. The message must include the Bidder's full company name, address, telephone and fax number and contact person. Alternately, Bidders may fax the above required statement to the Architect/Engineer's office (352)377-2872. Bidders who do not register will not be considered responsive and will not receive addenda, or other notifications.

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 \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

NOTICE TO DESIGN BUILD TEAMS

The University of South Florida, announces that Qualifications Based Design/Build Services (QB/DB), for the design and construction of a Joint Military Science Leadership Center (JMSLC) building, will be required for the project listed below
Project Number: 597

PROJECT AND LOCATION: Joint Military Science Leadership Center, University of South Florida, Tampa Campus, Tampa, Florida.

The project consists of the design, construction, and furnishing of a Joint Military Science Leadership Center of approximately 25,800 gsf. The project is programmed to include administrative offices, instructional spaces, joint use areas, storage, and support spaces. The new three-story facility is planned to be located on the west side of the existing Physical Education Building (PED).

The project must be completed for occupancy by October 2006. The Design/Build Team (Design and Construction Services Team/DCST) shall be responsible for the management of the process and project to meet project scope, budget and schedule requirements. The management of the process and project by the Design Build Team shall facilitate the Joint Military Science Leadership Center needs, and accomplishing those needs within the mandatory project schedule and budget for occupancy requirements. The Design/Build Team shall provide services in accordance with the provisions and requirements of the Federal Grant that is providing funds for the project.

The Design/Build Services contract shall be in compliance with the qualifications based Design/Build selection provisions in Section 287.055, F.S.. and Rule 6C-14.007, F.A.C., including pre-construction fees, construction related service costs and a guaranteed maximum price. It is the University's responsibility to negotiate a fair, competitive, and reasonable compensation per Section 287.055, F.S. A fair, competitive and reasonable compensation shall be evaluated based upon the following information: (1) Compensation on similar projects, (2) other compensation reference data; and (3) after approval of the ranking, proposals requested from the short listed firms based upon a scope of services document to be provided at the time of negotiations.

The University will contract with a single contract entity whose Design/Build Team shall provide all services including, but not necessarily limited to professional services, budgeting, construction services, labor, materials, and equipment required to design, construct, and furnish the project and may include schematic studies for possible future phases. The selected team will be required to provide computer drawings according to the standards of the University of South Florida, including computer record drawings reflecting as-built conditions.

Blanket professional design liability insurance will be required for this project in the amount of \$250,000 and will be provided as a part of Basic Services.

The proposed contractual value of this project is approximately \$4,400,000. The respondent must be capable of bonding at 100% of the value of the contract with a surety licensed to do business in the State of Florida with a Best rating of A, Class VIII. Project development including professional services is contingent upon availability of funds.

INSTRUCTIONS:

Teams desiring to apply for consideration shall submit a Request for Qualifications submittal including a letter of interest, a completed "Design and Construction Services Qualification Supplement form (DCSQS), dated December 2004" with attachments, and additional information required within the proposal limits as described in the Request for Qualifications dated December 2004. Applications submitted in any other format may not be considered. The Request for Qualifications dated December 2004 and the Design and Construction Services Qualifications Instructions and Supplement form dated December 2004, which includes project information and selection criteria, may be obtained by contacting: Kathy Bennett, Contracts Administrator, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue FPC110, Tampa, Florida 33620-7550, via e-mail: kbennett@admin.usf.edu, phone (813)974-3098, Fax (813)974-3542. All teams must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, or a joint venture, it must be registered by the Department of State to do business in the State of Florida at the time of application. If the applicant is the contract entity and has a consultant to perform the design or construction services, the contract entity and consultant must have an agreement at the time of application to formally contract for consulting services. Firms applying as "Associations" without a registered joint venture agreement or a contract entity and consultant without an agreement will not be considered.

Selection of finalists for interview will be made on the basis of qualifications of the proposed design/build team, including team qualifications, team experience and ability to provide service in meeting the project requirements and the goals and objectives of the University's Strategic Plan. As part of the University of South Florida's strategic plan, USF made a commitment to foster collaboration, open and timely communication, mutual respect, trust and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction related services.

Applications that do not comply with the above instructions may be disqualified. Submittals are part of the public record and no submittal material will be returned. The plans and specifications for The University of South Florida projects are

subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Interested teams are invited and encouraged to attend a Pre-Submittal meeting at the University of South Florida, Phyllis P. Marshall Center, to be held at 2:00 p.m., Eastern Time, on Wednesday, February 23, 2005 in the Henderson Room #101, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted. It shall be noted that no verbal communication shall take place between the applicants and the University of South Florida except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for the RFQ and DCSQS. Requests for any additional information or clarification at any other time than above must be in accordance with the RFQ.

Six (6) copies of the required information shall be submitted to the attention of the Project Manager, Ray L. Gonzalez, R.A., Project Manager, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550 by 2:00 p.m., Eastern Time, on Friday, March 11, 2005. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of Design/Build proposals without obligation to the respondent. The award of this contract is subject to availability of funds. If additional funding is realized, the University has the option to incorporate additional scope/funding under this contract.

CALL FOR BIDS

The University of West Florida Board of Trustees is soliciting sealed bids for the following:

Fieldhouse and Natatorium Roof and Interior Repair/Renovation, Bldgs. 54 and 73.

A Mandatory Pre-Solicitation Conference will be held on February 22, 2005, 2:00 p.m. CST in Bldg. 92, Room 110 (Training Room), The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

All bidders are required to attend the pre-solicitation conference. Potential subcontractors are invited to attend to become familiar with the project specifications and to become acquainted with contractors who may bid the project.

Sealed bids will be received until March 15, 2005, 2:00 p.m. CST, at the Office of Procurement and Contracts, Bldg. 8, Room 102, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Bid number 04/ITB-13/ES must be marked on outside of bid package. The University will not be responsible for unopened bid packages at the bid opening when the package is not properly identified. Bids must be submitted in full and in accordance with the requirements of all terms and conditions of the Invitation to Bid.

View this solicitation and related information on the Office of Procurement and Contracts' website at <http://uwf.edu/purchasing>.

A CD containing plans and specifications may be obtained from The Office of Procurement and Contracts at The University of West Florida. Contact Elaine Smith at esmith@uwf.edu or (850)474-2627 to arrange pick up.

Estimated project value: \$3.5 – \$5 M

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 TRANSPORTATION AUTHORITIES

REQUEST FOR PROPOSAL NO. 04-285 VENDING MACHINE SERVICE

The South Florida Regional Transportation Authority (SFRTA), an agency of the State of Florida, operates Tri-Rail, a seventy-two (72) mile commuter railroad with eighteen (18) stations in Miami-Dade, Broward, and Palm Beach Counties.

THE PURPOSE of this Request for Proposal (RFP) is to enter into an Agreement with a qualified Contractor to provide beverage and/or snack vending machine service at Tri-Rail station locations and other designated areas. The Contractor(s) will also be required to provide additional advertising or promotional services to SFRTA. The term of the Agreement(s) will be three (3) years with SFRTA's option of extending the term for two (2) additional one-year periods.

A REQUEST FOR DOCUMENTS should be directed to Anne M. Lodato, CPPB at SFRTA, 800 N. W. 33 Street, Suite 100, Pompano Beach, Florida 33064, (954)788-7912. The cost of the solicitation document is twenty-five dollars (\$25.00) non-refundable. Checks or money orders made payable to SFRTA should be forwarded to Ms. Lodato at the address above. Solicitation documents will be available on or about February 7, 2005.

A PRE-PROPOSAL CONFERENCE will be held in the SFRTA Board Room at the address above on February 15, 2005 at 10:00 a.m. The purpose of the meeting will be for SFRTA to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is recommended.

RECEIPT OF SEALED PROPOSALS: All proposals must be received in a sealed envelope no later than 5:00 p.m. on March 8, 2005 at the SFRTA office in Pompano Beach.

SFRTA reserves the right to postpone, to accept, or reject any and all proposals in whole or in part. All Proposers must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All proposals must remain in effect for One Hundred Eighty (180) days from the RFP submission due date.

WATER MANAGEMENT DISTRICTS

Request for Proposals 04/05-018 LM
Cultural and Historical Resource Assessment
of Suwannee Springs

The Suwannee River Water Management District (District) is requesting proposals from incorporated professional cultural resource firms or independent registered professional archaeologists for the cultural and historical resource assessment of Suwannee Springs in Suwannee County, Florida. The work will consist of the planning process necessary to stabilize, restore and interpret areas of the historic site. Tasks will include a cultural resource assessment of the tract, a condition assessment report and recommendations for repairs of extant historic cottages, and structural evaluation and recommendations for restoration of the spring pool facility. The cultural resource assessment will include an archaeological survey with subsurface testing, as well as background historical research and interviews with knowledgeable informants.

The proposed schedule for this project is as follows:

January 31, 2005	Release of Request for Proposal (RFP)
February 18, 2005	Request for Proposals due prior to 3:00 p.m. at District Headquarters in Live Oak. Opening will occur at this time.
February 24, 2005	Selection of Short Listed Firms at 9:00 a.m. at District Headquarters in Live Oak.
March 8, 2005	Governing Board Approval of Selected Firm at 9:00 a.m. at District Headquarters.
March 28, 2005	Anticipated start date.
May 1, 2005	Draft report due
June 30, 2005	Completion date

Request for Proposal documents and additional information regarding this project are available on the District's website at:

<http://www.mysuwanneeriver.com/services/bids+and+contracts/degault.htm>

You may also contact: Edwin McCook, (386)362-1001 or 1(800)226-1066

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA HOUSING FINANCE CORPORATION

Request for Qualifications 2005-01
for Special Counsel Services

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide Special Counsel Services to submit proposals for consideration. Written, sealed proposals shall be accepted until 2:00 p.m., Eastern Time, Friday, March 11, 2005, to the attention of Robin Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Robin Grantham, (850)488-4197, e-mail: robin.grantham@floridahousing.org. To obtain a copy of the Request for Qualifications, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/Home/BusinessLegal/CurrentSolicitations/RequestForQualifications.htm>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

ORLANDO PERFORMING ARTS CENTER CORPORATION

NOTICE TO PROPOSERS
(FINANCING, DESIGN, PROGRAMMING,
CONSTRUCTION, AND OPERATIONS)

The Orlando Performing Arts Center Corporation (OPAC) announces that a developmental partner with the disciplines of financing, programming, design, construction and operations will be required for the project listed below:

Project No. 2005-1

Project and Location: Orlando Performing Arts Center, downtown Orlando, Orlando, Florida 32801. The site is approximately nine (9) acres bordered by Orange Avenue, South Street, Rosalind Avenue and Anderson Street. Magnolia Avenue from South Street to Anderson Street will be part of the

project. The project may also include the renovation of the Bob Carr Performing Arts Center located at 401 West Livingston Street, Orlando, FL 32801.

The project envisions new construction of a lyric theatre, a large amplified hall, a proscenium theatre, a recital hall, a studio theatre, teaching space for the University of Central Florida with pre and post function spaces; retail, banquet, dining and beverage venues. The project also envisions instructional spaces for local school children, after school programs and day field trips. The project may also include educational facilities for an adjacent church. Development opportunities for commercial hotel, housing, retail, banquet, dining and beverage facilities may also be included; as well as a public plaza and structural parking. In excess of one million square feet of space may be envisioned with a potential construction cost of approximately \$250,000,000.

FORM OF PROPOSALS

OPAC is seeking proposals from teams who are willing and qualified to accept the responsibility for financing, programming, design, construction and operation of the project.

The proposal must be divided into five sections: financing, programming, design, construction and operations and may not exceed 50 pages including one letter of application and qualification statements for all disciplines. Each proposal must include a Letter of Intent reflecting the formation of a partnership or other legal entity for the project in order to be considered.

The selected team will provide financing, programming, design, construction, and operations for the referenced project. Insurance and soft cost funding will be required for the project. There will be a non-mandatory pre-proposal conference on Tuesday, February 15, 2005 at 10:00 a.m. followed by a tour of the site. The conference will take place at the Orlando City Hall, One City Commons, 400 South Orange Avenue, 9th Floor, Overlook Room, Orlando, FL 32801.

All inquiries or questions by the proposer must be submitted, in writing, to the individual listed below by 5:00 p.m. on Tuesday, February 22, 2005. Proposer's will not contact the shortlist evaluation committee members, the OPAC Board of Directors or the OPAC Planning Board members to discuss the project or proposed process during the advertisement and selection period.

Ten (10) copies, one (1) original and nine (9) copies, of the required proposal data shall be submitted to: OPAC c/o Epoch Management 359 Carolina Ave., Winter Park, FL 32789 (407)644-9055. Submittals must be received by 2:00 p.m.,

local time Tuesday, March 15, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

INSTRUCTIONS FOR PROPOSED TEAMS

Teams desiring to apply for consideration must submit one letter of joint application. The letter of application should have attached:

1. The Request for Qualification Acknowledgment Form.
2. A copy of the proposal's member's current Professional Registration Certificates 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 registered with the Florida Department of State to operate in Florida.

Applications that do not comply with all instructions may be disqualified. Application materials will not be returned.

Selection of finalist teams for interviews will be made on the basis of financing, programming, design, construction and operation qualifications, including approach to project, qualifications and experience – programming and design, experience of proposed corporate operator, evidence of financial strength, qualifications and experience of key individuals of the design, programming, financing and construction team, and assurance the proposed team recognizes the “at risk” nature of any subsequent agreement. Finalists will be provided with a description of the final interview topics. The shortlist evaluation committee may reject all proposals and stop the selection process at any time.

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 placement on the convicted vendor list.

The descriptive project information and the Request for Qualification, No. 2005-1 are available on the websites of, www.orlandopac.org and www.fp.ucf.edu. This information may be obtained by contacting: Ms. Rachel Kingston, OPAC Communications Coordinator, 359 Carolina Ave. Winter Park, FL 32789, (407)644-9055. Email: OPAC_c/o_rachel@orlandopac.org.

GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY

**REQUEST FOR PROPOSALS – PROJECT 05-003
PLACEMENT AND OPERATION OF AUTOMATED
TELLER MACHINE**

The Gainesville-Alachua County Regional Airport Authority (GACRAA) is soliciting sealed proposals for placement and operation of an automated teller machine (ATM) in the commercial airline terminal at the Gainesville Regional Airport.

A complete set of proposal documents and specifications will be available beginning February 7, 2005 at the Authority’s Administrative Office:

Gainesville-Alachua County Regional Airport Authority
3880 N. E. 39th Ave., Suite A
Gainesville, Florida 32609
Phone (352)373-0249

A non-mandatory pre-proposal conference will be held on Tuesday, February 22, 2005 at 2:00 p.m. at the Gainesville Regional Airport, Passenger Terminal, 3880 N. E. 39th Avenue, Gainesville, Florida 32609.

Proposals must be signed by an authorized official, enclosed in a sealed envelope or package clearly marked:

“RFP No. 05–003 Placement and Operation of Automated Teller Machine” and mailed or delivered to the Authority’s Administrative Office:

Gainesville-Alachua County Regional Airport Authority
Attn: Chief Executive Officer
3880 N. E. 39th Avenue, Suite A
Gainesville, Florida 32609

Proposals are due at 2:00 p.m. Tuesday, March 1, 2005 and will be publicly opened at this time. The official clock is located in the Authority’s Administrative Office. Proposals received after 2:00 p.m., March 1, 2005 will not be considered.

GACRAA reserves the right to reject any or all proposals received in response to this Request for Proposals as determined to be in the best interest of the Airport.

Qualified Disadvantaged Business Enterprise (DBE) firms are encouraged to submit proposals.

For additional information, contact: Allan Penksa, (352)373-0249.

DEPARTMENT OF MILITARY AFFAIRS

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL OR BUILDING CONTRACTORS, LICENSED BY THE STATE OF FLORIDA, FOR THE CONSTRUCTION OF:

PROJECT NO: CFMO-204046 ACCOUNTING CODE: NA
PROJECT NAME AND LOCATION: RENOVATION
EUSTIS NATIONAL GUARD ARMORY, EUSTIS,
FLORIDA

PROJECT DESCRIPTION: RENOVATION OF EXISTING BUILDINGS INTERIOR AND EXTERIOR TO INCLUDE EXTERIOR SITE WORK AS DEFINED IN THE ARCHITECT/ENGINEERS SPECIFICATIONS.

FOR: Department of Military Affairs, Construction and Facility Management Office

MINORITY PROGRAM: Utilization of MBE participation is highly encouraged from all Bidders.

MANDATORY PRE-BID MEETING: a Mandatory Pre-Bid Meeting will be held for all interested Prime Bidders and MBE’s certified by the Minority Business Advocacy and Assistance Office On: February 22, 2005, 10:00 a.m. Local time at the Eustis National Guard Armory, 605 South Bay Street, Eustis, Florida 32726-4859. All Prime Bidders interested in bidding on this project are required to attend and address subcontracting opportunities for MBE’s.

PREQUALIFICATIONS: Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Owner for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233, for information on prequalification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the requirements is included in the Instruction to Bidders under Article B-2 “Bidder Qualification Requirements and Procedures”.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person, or affiliate, who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property

to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

BID SECURITY: If the bid proposal amount is \$100,000 or less, a bid security (5%) is not required.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and Labor and Material Payment Bond are not required.

Sealed bids will be received and publicly opened and read aloud on:

DATE AND TIME: March 10, 2005, until 10:00 a.m., local time

PLACE: Eustis National Guard Armory, 605 South Bay Street, Eustis, Florida 32726-4859

PROPOSAL: Bids may be submitted prior to bid opening date if received by the Department of Military Affairs, NO LATER THAN MARCH 9, 2005, BEFORE CLOSE OF BUSINESS. **CFMO ATTN:** Mr. Kenneth Hersey, Robert F. Ensslin, 2305 State Road 207, St. Augustine, Florida 32086, (904)823-0282 in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions, and Contractual Conditions, which may be examined and obtained, as of February 11, 2005 from SKINNER VIGNOLA MCLEAN, INC.

All Technical questions shall be directed to the A/E until close of business March 10, 2005.

ARCHITECT-ENGINEER: SKINNER VIGNOLA MCLEAN INC., 1628 N. W. 6th Street, Gainseville, Florida 32609

TELEPHONE: (352)378-4400, Fax (352)377-5378, e-mail: svmjim@bellsouth.net, Attn: James Vignola

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at the location where the bids were opened as well as the myflorida.com website under myfloridamarketplace e-pro, vendor sourcing/solicitations. In the event that the Bid tabulation and Notice of Award Recommendation can not be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner. **AWARD OF CONTRACT IS CONTINGENT UPON THE AVAILABILITY OF FUNDS.**

Section XII Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF FUNDING AVAILABILITY EMERGENCY FUNDS FOR HURRICANE IVAN

The Department of Community Affairs announces funding availability under the Florida Small Cities Community Development Block Grant (CDBG) Program for the following eligible applicants:

Eligible Jurisdiction	Maximum Available Funding
Century	\$ 175,000.00
Gulf Breeze	\$ 175,000.00
Jay	\$ 175,000.00
Milton	\$ 175,000.00
Santa Rosa County	\$ 753,000.00

This funding is being made available under the Governor's Executive Order Number 04-206 using Program Income funds in an amount of up to \$1,453,000 to address housing needs where there is an urgent and immediate threat to the health and welfare of the community as a result of damage due to Hurricane Ivan. The program is targeted to the above communities for use in situations where no other federal, state or local disaster funds are available at this time to address the need. Funds under this set-aside may only be used by the above-named eligible cities and county for housing activities to assist low and moderate-income households within their jurisdictions as a result of damage due to Hurricane Ivan. The term of the subgrants under this Emergency funding is limited to six (6) months from the date of execution of the subgrant agreement by the Department.

The program is targeted to the above communities that sustained severe loss or damage to housing as a result of Hurricane Ivan. Upon receipt of the Notice of Intent from the local government, completed and signed by the Chief Elected Official, the Department will review the proposed activities, budget and timeline, and will prepare a subgrant agreement to be executed by each responding local government. The Request for Assistance Application submitted should describe the activities proposed, the populations to be targeted, the methods for publicizing the availability of the funds, and the actions to be taken by the local government to quickly commence the activities under the subgrant and to proceed expeditiously to complete all of the activities as quickly as possible.

Each of the local governments is encouraged to begin advertising this program as soon as possible in order to identify very low income eligible recipients who do not have other means of addressing their housing problems.

The Request for Assistance Application must be received by close of business (5:00 p.m., EST) seven business days from the date of publication of this notice at the following address:

Community Development Section
Division of Housing and Community Development
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee Florida 32399-2100

The signed Notice of Intent may also be submitted by facsimile transmission to (850)922-5609. Please call to confirm receipt by the Department by the deadline. ONLY THOSE SUBMITTING THE REQUEST FOR ASSISTANCE APPLICATION WILL BE SENT A SUBGRANT AGREEMENT BY THE DEPARTMENT.

For information, communities should contact: Monya Newmyer, (850)487-3644, e-mail: Monya.Newmyer@dca.state.fl.us. Interested communities may also address inquiries to: Community Development Section, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee Florida 32399-2100.

REQUEST FOR ASSISTANCE APPLICATION

A. Local Government Applicant: _____ County: _____
Chief Elected Official: _____ Title: _____
Local Govt. Contact (to receive subgrant agreement): _____

Title: _____ Phone #: _____ FAX #: _____

Local Government Contact:

Address: _____

Telephone: _____

Fax: _____

Email: _____

B. Provide a brief narrative description of the effect of Hurricane Ivan on the areas and the urgent needs to be addressed as well as a proposed budget and timeline for all activities to be performed under this subgrant agreement. The narrative must also address the following requirements and project selection considerations:

REQUIREMENTS:

THRESHOLD CONSIDERATIONS:

- (1) Activities must meet community development needs having a particular urgency (see 24 CFR 570.483(d)).
(2) All funded disaster recovery activity must exclusively benefit low and moderate income persons under 24 CFR 570.483(b).

- (3) Applicants under this category shall demonstrate that no other federal, State local or private disaster funds are available at this time to address this emergency or that they are not being reimbursed for the activities by another source (i.e. homeowner's insurance, Red Cross, or other nonprofit or for profit organizations). The funds available hereunder shall not be used to supplant any other funding.

PROJECT SELECTION CONSIDERATIONS:

Allocation of funds will be based on the following priorities:

- (1) Targeting of very low income households;
(2) Direct benefit to low and moderate income families residing in owner occupied homes;

OTHER REQUIREMENTS:

- (1) Local governments applying must commit to a public advertisement process for all work to be done on activities using this funding.
(2) Administrative costs are limited to ten percent (10%) of the subgrant.
C. The applying local government certifies that the activities outlined in the narrative:
(1) Are intended to alleviate existing conditions posing a serious threat to the health or welfare of the community due to damage caused by Hurricane Ivan;
(2) The unit of general local government can demonstrate that no other federal, state or local disaster funds are available at this time to address the activity;
(3) Any households to be served by the CDBG activity will be low and moderate income as defined by HUD Income Guidelines.

Signature of the Chief Elected Official _____ Date _____
or designee (as authorized by the governing body)

MAIL OR FAX THIS FORM TO THE CDBG SECTION within seven business days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLID-1005-003
DATE RECEIVED: January 27, 2005
DEVELOPMENT NAME: GATLIN COMMONS
DEVELOPER/AGENT: Gatlin Group Holdings/Duley A. Miller
DEVELOPMENT TYPE: 28-24.031, 28-24.020, 28-24.026, F.A.C.
LOCAL GOVERNMENT: Port St. Lucie City

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Bajaj USA, LLC., intends to allow the establishment of Top Dawg Motorsports, as a dealership for the sale of Bajaj Scooters, at 903 South Pinellas Avenue, Trapon Springs, Florida 34689, on or after January 18, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Top Dawg Motorsports are dealer operator: Mark Faucette, 1100 Haley Lane, Dunedin, Florida 34698; Steve Yeckneovich, 1875 Sunset Point Road, Clearwater, Florida 33765; principal investor(s): Mark Faucette, 1100 Haley Lane, Dunedin, Florida 34698; Steve Yeckneovich, 1875 Sunset Poinr Road, Clearwater, Florida 33765.

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 20.642, 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: Florence B. Klovites, Operations Director, Bajaj USA, LLC., 409 Littlefield Avenue, South San Fransisco, California 94080-6106.

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."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted a draft revision to an existing policy for review and comment on MyFlorida.com at:

http://www.djj.state.fl.us/djj/djjservices/administration/policies_procedures/policyreview.shtml

Quality Assurance "Deemed" Status (department-wide policy type B) – establishes that it is the policy of the Department that all programs of any model and detention centers strive to exceed in all programming areas. Therefore, the Department will grant special consideration to any contracted or state operated program which achieves an annual overall quality assurance (QA) performance rating at the 80% level or higher in each key programming area and an overall compliance rating of at least a 90%. This special consideration will be for a period of two years following the qualifying review. The first year following the qualifying review, there will be no quality assurance review conducted of any type. The second year following the qualifying review will include a short form review.

This policy is posted for a single 20 working day review and comment period, with the closure date for submission of comments on this policy of March 10, 2005. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

The Florida Department of Juvenile Justice has posted the draft of the Probation and Community Corrections Handbook for review and comment at:

http://www.djj.state.fl.us/DJJServices/Administration/policies_procedures/manualreview.shtml or

<http://www.djj.state.fl.us/DJJServices/Probation/index.shtml>
The draft of this handbook, developed by the Office of Probation & Community Corrections, is being posted for a single 30 day review and comment period. The closure date for submission of comments on this handbook is March 2, 2005. Comments should be sent to the person identified on the above Website.

DEPARTMENT OF HEALTH

On January 31, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Hanimi Reddy Challa, M.D., license number ME 40003. This

Emergency Restriction 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 January 31, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Carlos Manuel Millan, P.A., license number PA 9100823. This Emergency Restriction 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 January 31, 2005, 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 Richard C. Jarvis, R.N. license number 1521272. 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 January 31, 2005, 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 Alan Jay Feller, R.N. license number RN 9199516. 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 January 31, 2005, 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 Benjamin Buchanan, L.P.N. license number PN 1304541. 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 January 28, 2005, 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 Terri Ann Clark, R.N. license number RN 3293452. 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 January 27, 2005, 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 Dawn Godin, L.P.N. license number PN 1323731. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received the following applications.

Comments may be submitted to the 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 69U-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., March 4, 2005):

APPLICATION FOR AN INTERNATIONAL REPRESENTATIVE OFFICE

Application and Location: The Victoria Mutual Building Society, Kingston 10, Jamaica

Proposed Florida Location: Miami Dade or Broward County
Received: January 25, 2005

APPLICATION FOR A NEW FINANCIAL INSTITUTION
Applicant and Proposed Location: Sunrise Bank, Southeast Corner of SR A1A and Young Avenue, Cocoa Beach, Florida 32931

Correspondent: John P. Greeley, 255 South Orange Avenue, Suite 800, Orlando, Florida 32801

Received: January 27, 2005

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN January 24, 2005
 and January 28, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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WATER MANAGEMENT DISTRICTS
South Florida Water Management District

40E-7.611	1/28/05	2/17/05	30/48	
40E-7.621	1/28/05	2/17/05	30/48	
40E-7.631	1/28/05	2/17/05	30/48	
40E-7.645	1/28/05	2/17/05	30/48	
40E-7.651	1/28/05	2/17/05	30/48	
40E-7.653	1/28/05	2/17/05	30/48	
40E-7.654	1/28/05	2/17/05	30/48	
40E-7.655	1/28/05	2/17/05	30/48	
40E-7.661	1/28/05	2/17/05	30/48	
40E-7.6645	1/28/05	2/17/05	30/48	
40E-7.665	1/28/05	2/17/05	30/48	
40E-7.667	1/28/05	2/17/05	30/48	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

61G4-12.006	1/25/05	2/14/05	30/39	30/42
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Board of Pilot Commissioners

61G14-19.001	1/28/05	2/17/05	30/51	
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DEPARTMENT OF HEALTH

Board of Massage

64B7-28.009	1/24/05	2/13/05	30/51	
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Board of Orthotists and Prosthetists

64B14-5.002	1/26/05	2/15/05	30/51	
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FLORIDA HOUSING FINANCE CORPORATION

67-32.002	1/27/05	2/16/05	30/43	30/52
67-32.005	1/27/05	2/16/05	30/52	30/52
67-32.006	1/27/05	2/16/05	30/43	30/52
67-32.007	1/27/05	2/16/05	30/43	30/52
67-32.009	1/27/05	2/16/05	30/43	
67-32.011	1/27/05	2/16/05	30/43	30/52