

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF STATE**

**Division of Historical Resources**

RULE TITLES:	RULE NOS.:
Definitions	1A-35.002
Grant Funding	1A-35.005
Application Requirements	1A-35.007

**PURPOSE AND EFFECT:** The purpose and effect of the proposed changes are to revise and update the rule to be in conformance with Chapter 267, F.S., and current administrative procedure.

**SUBJECT AREA TO BE ADDRESSED:** The Bureau of Historic Preservation proposes to amend the rule to clarify procedures relating to the Historic Preservation Grants-in-Aid program application and administration.

**SPECIFIC AUTHORITY:** 267.031(1) FS.

**LAW IMPLEMENTED:** 267.0617(2) 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., March 18, 2005

**PLACE:** Third Floor Conference Room, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Robert C. Taylor, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6333

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

1A-35.002 Definitions.

The following words and terms shall have the following meanings:

(1) through (2) No change.

(3) “Division” means the Division of Historical Resources of the Department of State.

(4)(3) “Florida Master Site File” means the list or catalog, maintained by the Division, of all recorded historical and archaeological sites and properties in the State of Florida.

(5) “Historic Preservation Grant” means a legislative or federally funded grant awarded to carry out specific historic preservation projects for a specified period of time.

(6)(4) “Historic district” means a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects

united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

(7) “Historic markers” means Official Florida Historic Markers as defined by subsection 1A-48.002(3), Florida Administrative Code.

(8)(5) “National Register of Historic Places” means the list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering and culture, authorized by the National Historic Preservation Act of 1966, as Amended through 2000, and administered by the U.S. Department of the Interior, National Park Service. The National Historic Preservation Act of 1966 is incorporated by reference and a copy is available in the Division.

(9)(6) “Protection” means the act or process of applying measures designed to affect the physical condition of a site or property by defending or guarding it from deterioration, loss, or attack. In the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future treatment; in the case of archaeological sites, the protective treatment may be temporary or permanent.

(10)(7) “Rehabilitation” means the act or process of returning a site or property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

(11)(8) “Restoration” means the act or process of accurately recovering the form and details of a site or property and its setting as it appeared at a particular period of time by means of the removal of later work or by replacement of missing earlier work.

(12)(9) “Special Category Grant” means a type of Historic Preservation Grant legislative grant for a major project with grant needs in excess of \$50,000 and including may include Florida history museums.

(13)(10) “Stabilization” means the act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the existing form.

(14)(11) “Survey” means the act or process of determining the location and identification of historical and archaeological sites and properties. An aspect of identification is evaluation, meaning determination of the historical significance or values represented by historical and archaeological sites and properties which have been located and otherwise described.

Specific Authority 267.031(1) FS. Law Implemented 267.0617(2) FS. History—New 10-18-83, Formerly 1A-35.02, Amended 11-24-87, 9-4-96,

1A-35.005 Grant Funding.

(1) Source of Grant Funds.

(a) No change.

(b) Federal funds for historic preservation grants-in-aid are apportioned to the State of Florida by the U.S. Department of the Interior, pursuant to the National Historic Preservation Act, and are deposited in the Historical Resources Operating Historic Preservation Trust Fund pursuant to Section 267.0617, Florida Statutes. No Acquisition and Development projects for religious properties may be funded with these federal funds.

(c) The use of federal funds provided by the U.S. Department of the Interior for historic preservation grants-in-aid is subject to the policies, procedures, and guidelines set forth by that agency in the October, 1997 1995 edition of the Historic Preservation Fund Grants Manual, National Register Programs Guideline, NPS 49, incorporated by reference. A copy of the manual guideline may be obtained by writing or calling the Division ~~Bureau of Historic Preservation~~ and paying the cost of copying.

(d) State funds consist of funds ~~in the Historic Preservation Trust Fund~~ which have been appropriated by the Florida Legislature, made available from dedicated sources, donated pursuant to Section 550.0351(2), Florida Statutes, or contributed from any other public or private source, except those federal funds for grants-in-aid received from the U.S. Department of the Interior, pursuant to the National Historic Preservation Act.

(e) Should an entity receive legislative funds outside the review of the Grant Review Panel, Florida Historical Commission, or Secretary of State, the entity shall not be eligible to receive historic preservation grant assistance from the Division for the same project within the same fiscal year in which the legislative funding is made available.

(2) Funding Categories.

(a) No change.

1. through 2. No change.

(b) Federal grant monies apportioned to the State by the U.S. Department of the Interior, pursuant to the National Historic Preservation Act, are authorized for up to 60% 50% of the cost of all eligible Acquisition, Development, Survey and Planning projects. ~~Acquisition and Development projects and up to 70% of the cost of all eligible Survey and Planning projects.~~

1. No change.

2. In addition, to be eligible for federal Acquisition and Development, or Survey and Planning assistance, projects must conform to the policies, procedures, and guidelines contained in the October, 1997 1995 edition of the Historic Preservation Fund Grants Manual National Register Programs Guideline, NPS 49 and to any special conditions required by the U.S. Department of the Interior in apportioning monies to the State of Florida from which such projects will be funded. Examples of special conditions include ending dates by which

all costs charged against a federal grant must be incurred and any prohibitions against the use of federal grant funds for lobbying activities.

(c) No change.

(d) At least 80% of each donation to the Historical Resources Operating Historic Preservation Trust Fund pursuant to Section 550.0351(2), Florida Statutes, shall be available for allocation to eligible projects within a 50-mile radius of the racetrack or fronton which held the Charity Day from which the donation is derived. The remaining 20% of each donation may be used for eligible projects in other areas of the state.

(e) The Division will waive the financial matching requirements on state funds awarded for Historic Preservation Grant assistance, except for Special Category Grants, Acquisition of Historic properties and the purchase of historic markers, for an applicant that has been designated as REDI qualified in accordance with Sections 288.0656 and 288.06561, Florida Statutes. A request for waiver of matching requirements must be submitted with each grant application.

Specific Authority 267.031(1) FS. Law Implemented 267.0617(2) FS. History—New 10-18-83, Formerly 1A-35.05, Amended 9-4-96, \_\_\_\_\_.

1A-35.007 Application Requirements.

(1) Application Procedures.

(a) Applications for historic preservation grants-in-aid ~~from the Historic Preservation Trust Fund~~ shall be signed by the person or persons with legal authority to obligate the applicant and shall be made on a Historical Resources Grants-in-Aid Application Form HR3E0410705 HR3E210695, effective July, 2005 July 1996, which is incorporated by reference, and a copy of which is available ~~may be obtained~~ from the Division ~~Bureau of Historic Preservation~~.

(b) Eligible applicants for historic preservation grants-in-aid assistance shall be in accordance with Section 267.0617(2), Florida Statutes. ~~from the Historic Preservation Trust Fund include:~~

- ~~1. Departments or agencies of the state;~~
- ~~2. Unit of county, municipal or other local government;~~
- ~~3. Any corporation, partnership, or other organization, public or private and whether or not for profit; or~~
- ~~4. Any individual.~~

~~(c) Funds appropriated from general revenue for the historic preservation grants program, however, shall not be used to provide grant assistance to projects owned by individuals or for-profit corporations.~~

~~(c)(d)~~ Applicants may submit more than one application for grant assistance ~~from the Historic Preservation Trust Fund~~. An application for a Special Category grant project must be limited to a single site, or group of sites in which all the properties have the same owner(s).

(d)(e) The Division reserves the right to request additional information or clarification on any application that is submitted. Such request shall be made to the applicant by letter, facsimile, e-mail, or by telephone and shall indicate the date by which the information or clarification is needed.

(e)(f) Applications shall be submitted to the Division to the attention of the Bureau of Historic Preservation and shall include the original and the number of copies as specified in the grant application ~~thirteen complete copies~~.

(f)(g) Deadlines. There are two ~~three~~ funding cycles annually; one for Special Category grant funds, and one ~~two~~ for state and federal matching grant funds. Applicants must submit separate applications for each cycle.

1. through 4. No change.

(2) Application Review.

(a) No change.

(b) The Division shall send copies of the applications to each member of the Grant Review Panel or the Florida Historical Commission ~~Historic Preservation Advisory Council~~ in sufficient time for members to review all applications prior to the Panel or Commission ~~Council~~ convening in a public meeting for the purpose of considering the applications for funding.

(c) The Division shall also provide the following information to the Grant Review Panel or the Florida Historical Commission ~~Council~~:

1. through 2. No change.

(d) The Grant Review Panel and the Florida Historical Commission ~~Advisory Council~~ shall each convene in a public meeting to review and evaluate all applications for historic preservation grants-in-aid. The Grant Review Panel and the Florida Historical Commission ~~Council~~ shall annually hold separate meetings to consider applications for federal, state and Special Category grant assistance. Applications for Historic Preservation Grants shall be reviewed by a Grant Review Panel appointed by the Secretary of State. Applications for Special Category grants assistance shall be reviewed by the members of the Florida Historical Commission.

1. The Grant Review Panel and the Florida Historical Commission ~~Council~~ shall each meet to consider applications for grant assistance within 150 days of the relevant application deadline.

2. The Division shall publish a notification of the time and place of the meeting and where a copy of the agenda may be obtained in the Florida Administrative Weekly at least 30 days prior to the Grant Review Panel or the Florida Historical Commission ~~Council~~ meeting.

3. No change.

(e) The Grant Review Panel and the Florida Historical Commission ~~Council~~ shall evaluate each application based on the criteria relating to the site involved, the prospective grantee, and the anticipated public benefit, as follows:

1. through 3. No change.

(f) The Grant Review Panel and the Florida Historical Commission ~~Council~~ shall each develop a priority listing of all project applications by ranking each project relative to the others and shall recommend funding levels and any appropriate special conditions for each individual project. An example of a special condition is a requirement that the grantee must execute restrictive covenants prior to receiving grant funds. The Grant Review Panels ~~Council~~ shall establish sub-categories of the Acquisition and Development and the Survey and Planning categories of grant assistance for the purpose of establishing priority listings and recommending funding levels. The Grant Review Panels ~~Council~~ shall further recommend that overall sub-categories be funded to specific levels and then rank individual projects within each sub-category, also recommending funding levels for each individual project.

(g) The recommendations of the Grant Review Panel and the Florida Historical Commission ~~Council~~ shall be submitted by the Division to the Secretary of State (Secretary) for review and approval. At a minimum, the written recommendations shall include a ranking of all proposed projects, however categorized, and the recommended funding level for each proposed project.

(h) through (i) No change.

(j) If additional grant funds become available during the grant year for either federal or state grants-in-aid, the Director shall increase the grant award or award a new grant for applications reviewed by the Grant Review Panel or the Florida Historical Commission ~~Council~~ during the normal review process or establish a special process for awarding such additional funds.

(3) Grant Award Agreement.

(a) through (c) No change.

(d) Funds remaining in any grant allocation as a result of early termination or from completion of the project at less than anticipated cost shall revert to the funding source from which the grant funds were appropriated ~~Historic Preservation Trust Fund~~ or be distributed in accordance with the procedures set forth in paragraph 1A-35.007(2)(j), F.A.C.

Specific Authority 267.031(1) FS. Law Implemented 267.0617(2) FS. History—New 10-18-83. Amended 10-3-84, Formerly 1A-35.07, Amended 7-21-86, 11-24-87, 12-26-91, 8-11-93, 9-4-96, \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: RULE NO.:

Definition of Terms 6E-1.003

PURPOSE AND EFFECT: The purpose of the amendment is to add the term scholarship to the terms defined for use within the rules.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 1005.22(1)(e) FS.

LAW IMPLEMENTED: 1005.22, 1005.31 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOITCED 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-1.003 Definition of Terms.

Terms used in these rules are defined in Section 1005.02, F.S. In addition, as used in the rules of the Commission, unless the context clearly indicates otherwise:

- (1) through (28) No change.
- (29) through (46) renumbered (30) through (47) No change.

(48) Scholarship – “a grant-in aid to a student.” The offer of a grant-in-aid to an enrolled student to offset partial or complete costs of a course, program, certificate or degree.

(47) through (49) renumbered (49) through (51) No change.

Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22, 1005.31 FS. History–Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83, Formerly 6E-4.03, Amended 2-22-89, 11-29-89, 10-19-93, 4-11-00, 1-07-03, 12-23-03, 7-20-04.

**DEPARTMENT OF EDUCATION  
Commission for Independent Education**

RULE TITLE: Fair Consumer Practices

RULE NO.: 6E-1.0032

PURPOSE AND EFFECT: This rule is being amended to clarify nonrefundable application fees, admission standards, add guidance for licensees regarding special requirements or limitations of students and define a binding contract between the institution and the student.

SUBJECT AREA TO BE ADDRESSED: Fair Consumer Practices.

SPECIFIC AUTHORITY: 1005.22(1)(e)1., 1005.34 FS.

LAW IMPLEMENTED: 1005.04, 1005.32(5), 1005.34 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-1.0032 Fair Consumer Practices.

(1) through (5) No change.

(6) Each prospective student shall be provided a written copy, or shall have access to an electronic copy, of the institution’s catalog prior to enrollment or the collection of any tuition, fees or other charges. The catalog shall contain the following required disclosures, and catalogs of licensed institutions must also contain the information required in subsections 6E-2.004(11) and (12), F.A.C.:

(a) through (f) No change.

(g) Admissions: The institution shall disclose its method of assessing a student’s ability to ~~complete~~ complete successfully the course of study he or she has applied. The requirements for admission (~~such as high school diploma, general equivalency diploma, or its equivalent~~) and for graduation shall be disclosed. If the practice of a career has special requirements or limitations such as certain physical or language capabilities or lack of criminal record, such requirements or limitations shall be disclosed to prospective students interested in training for that career.

(h) through (i)5. No change.

6. Nonrefundable ~~application~~ application fees regarding admission and registration of ~~for~~ Florida students shall not exceed \$150 ~~\$50~~. The requirements regarding refund policies as stated herein do not apply to dormitory or meal fees. Refund policies for those fees, if charged, shall be set by the institution and also disclosed in conjunction with the refund policy.

(j) through (k) No change.

(7) No change.

(8) A licensed institution which is not accredited by a USDOE recognized institutional accrediting agency shall use an enrollment agreement or application for admission which, in addition to the catalog, shall be the binding contract between the institution and the student. The binding document shall include, but not be limited to, the following:

(a) Title. The binding document shall be identified by title as a “Contract”, “Agreement”, “Application” or similar title and clearly indicate that it will constitute a binding agreement upon acceptance by the institution and the student;

(b) Name of the institution. Name, phone number, and physical address of the institution;

(c) Title of Program. Program title as licensed and identified in the catalog.

(d) Time Required. Number of clock hours or credit units, including the number of weeks or months, or credit hours required for completion;

(e) Credential for Satisfactory Completion;

(f) Costs. All costs shall be clearly stated;

1. Tuition. The total tuition for the program must be listed by the total length of the program, the tuition cost per credit hour, clock hour, term or academic year.

2. Fees. All refundable and nonrefundable fees payable by the student.

3. Books and supplies. The cost for books and supplies may be estimated if necessary. This item may be omitted if the binding document state that the costs for books and supplies are included in the tuition charges as stated in the document.

4. Any other costs. Any other costs required to be paid by student, whether or not purchased from the school. These costs may be stated as a listing of goods or services not included in the tuition.

(g) Terms of payment. The method of payment of all costs shall be clearly stated in the binding document and shall comply with federal and state laws.

(h) Class Start.

(i) Anticipated Program Completion Date (for Institutions that are not Colleges or Universities).

(j) Class Schedule. The day, evening or other schedule of class attendance must be clearly stated (if known at the time of signature by student).

(k) Termination or Cancellation by the Institution or Student. Grounds or procedures for cancellation of a binding document by an institution or student shall be clearly stated.

(l) Refund Policy. Institutions shall comply with refund policy as provided in subsection 6E-1.0032(6), F.A.C.

(m) Employment Guarantee Disclaimer. Institutions shall publish the disclaimer as provided in paragraph 6E-1.0032(6)(j), F.A.C.

(n) Statement that all signers have received and read a copy of the binding document and catalog.

(o) Signatures and Acceptance. The binding document shall contain the date and signature of the applicant and parent or guardian, if the applicant is under eighteen (18) years of age and the acceptance date and signature of the appropriate official at the institution.

(p) Format. If the binding document is not completed on one (1) side of a single sheet of paper, each side must clearly and conspicuously refer to the conditions on the other side as being part of the document. If more than one (1) page is used, each page must be numbered page 1 of \_\_\_ pages, page 2 of \_\_\_ pages, etc.

(8) through (10) renumber (9) through (11) No change.

Specific Authority 1005.22(1)(e)1., 1005.34 FS. Law Implemented 1005.04, 1005.32(5), 1005.34 FS. History—New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, 1-20-04, 3-29-04,\_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: Actions Against A Licensee: Penalties

RULE NO.: 6E-2.0061

PURPOSE AND EFFECT: This rule is being amended to clarify cease and desist orders in conjunction with a notice of denial of licensure.

SUBJECT AREA TO BE ADDRESSED: Actions Against A Licensee: Penalties.

SPECIFIC AUTHORITY: 1005.32(7), 1005.38 FS.

LAW IMPLEMENTED: 1005.32(7), 1005.34(3), 1005.38 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-2.0061 Actions Against A Licensee; Penalties.

(1) through (7) No change.

(8) Cease and Desist orders. Cease and desist orders shall be issued by the Commission upon finding probable cause or in conjunction with a notice of denial of licensure, and shall comply with Section 1005.38, F.S., and other applicable laws.

(9) through (10) No change.

Specific Authority 1005.32(7), 1005.38 FS. Law Implemented 1005.32(7), 1005.34(3), 1005.38 FS. History—New 10-13-83, Formerly 6E-2.061, Amended 5-20-87, 11-27-88, 11-29-88, 12-10-90, 10-19-93, 1-7-03, 5-4-04, 5-26-04, 7-20-04,\_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: RULE NO.:

Certificate of Need Exemption 59C-1.005  
 Application Procedure

PURPOSE AND EFFECT: The agency is proposing to amend the rule currently used to request an exemption from batched and expedited Certificate of Need (CON) review process due to recent statutory amendments. The amended rule will rename the rule and redefine projects subject to exemption from batched or expedited Certificate of Need review pursuant to Sections 408.036(3) and 408.036(4), F.S. A preliminary draft of the rule amendments is included in this notice.

SUBJECT AREA TO BE ADDRESSED: Revisions in the current rule used in the request for exemption to batched and expedited Certificate of Need review.

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

LAW IMPLEMENTED: 408.036(3), 408.036(4) FS.

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

TIME AND DATE: 2:00 p.m. (EST), March 22, 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, Tallahassee, Florida

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.005 Certificate of Need Exemptions Application Procedure.

(1) Request for Exemption. Certain projects are subject to exemption from batched or expedited Certificate of Need review pursuant to subsections 408.036(3) and 408.036(4), F.S., provided the conditions specified in this rule are met. To receive an exemption, the applicant shall file a Certificate of Need application request for exemption with the agency and provide documentation to justify the request. A request for exemption may be submitted at any time, and must be submitted to:

Agency for Health Care Administration  
 Certificate of Need  
 2727 Mahan Drive, Building 1  
 Tallahassee, Florida 32308

(2) General Requirements. In the case of any applicant filing a Certificate of Need Exemption request applying for an exemption from certificate of need review, the request shall include:

(a) through (b) No change.

(c) The location and service area of the project.

(d) through (h) No change.

(3) through (4) No change.

(5) Limitation on Validity. An exemption, when granted, is valid only for the project for which it was issued and for the health care facility or hospice on whose behalf the exemption was granted and, for projects subject to the monitoring requirements of Section 408.040, F.S., only for the time frame stated in the Agency's decision letter approving the exemption project.

(6) Project Specific Exemption Requests. In addition to meeting the requirements of subsections (1) and (2) of this rule, requests for exemption of certain projects must meet the additional requirements specified below:

~~(a) Termination of an inpatient health care service. A request for exemption of a proposed termination of an inpatient health care service is required only for the types of services whose establishment would be subject to certificate of need review under Section 408.036(1) or (2), F.S. Temporary cessation of an inpatient service, lasting 6 months or less, is not a termination of that service and does not require an exemption.~~

~~1. A request for termination of a service must acknowledge that a service continuously inactive for more than 12 months cannot be reestablished at the facility unless authorized by a new certificate of need.~~

~~2. A request for termination may be combined with a hospital bed increase exemption requested under paragraph (6)(e), provided the termination will occur at the same facility.~~

~~(b) Delicensure of beds. A request for exemption of a proposed delicensure of beds must comply with the following:~~

~~1. The request must identify the facility where the delicensure will occur, the current licensed capacity of each category of beds licensed at the facility, the category of beds where delicensure will occur, and the exact number of beds being delicensed.~~

~~2. The request must acknowledge that the delicensed beds cannot be reactivated in any licensed bed category at the facility without a certificate of need or, if applicable, an exemption letter.~~

~~3. A request for delicensure of beds may be combined with a hospital bed increase exemption requested under paragraph (6)(e), provided the delicensed beds will occur at the same facility.~~

(c) through (d) renumbered (a) through (b) No change.

~~(c)(e) Addition of comprehensive medical rehabilitation beds, licensed under Chapter 395, F.S., and located within a unit of an acute care hospital or within a freestanding rehabilitation hospital beds in a number not exceeding 10 beds or 10 percent of the licensed capacity of the bed category being expanded, whichever is greater, except for the tertiary services beds and long term care hospital beds excluded under Section~~

408.036(3)(n), F.S. A request for exemption of a proposed addition of comprehensive medical rehabilitation hospital beds shall specify:

1. The current number of licensed comprehensive medical rehabilitation beds ~~in the category of beds proposed to be expanded.~~

2. through 3. No change.

4. The request shall certify that:

a. The average occupancy rate for the 12-month period ending 1 month prior to the exemption request, ~~in the category of licensed beds being expanded at the facility,~~ meets or exceeds 80 percent; ~~or, for a distinct part skilled nursing unit, the 12-month average occupancy rate meets or exceeds 96 percent.~~ For the purpose of calculating average occupancy under this sub-subparagraph, the 12-month total of patient days shall be divided by 365 to determine an average daily census, and the average daily census shall then be divided by the total of licensed and approved beds located at the premises of the facility within the category of beds being expanded as of the end of the 12-month period. Approved beds are beds authorized for the facility consistent with the provisions of paragraph 59C-1.008(2)(b), F.A.C.

b. No change.

5. through 6. No change

~~(f)1. Temporary addition of acute care hospital beds in a number not exceeding 10 beds or 10 percent of the licensed acute care bed capacity, whichever is greater. An exemption may be granted to a hospital which has previously experienced high seasonal occupancy or to a hospital that must respond to emergency circumstances. For purposes of this paragraph, "high seasonal occupancy" means that the average occupancy of acute care beds for a period of at least 3 consecutive months during the 12-month period ending one month prior to the exemption request, was at least 85 percent for the entire period of high occupancy considered as a whole. An exemption may be requested based upon the hospital's expectation that it will experience a comparable period of high seasonal occupancy during the 12 months following the exemption request.~~

~~2. A request for exemption of a proposed temporary addition of acute care beds shall:~~

~~a. Indicate the exact number of acute care beds to be added, the reason for the temporary addition, and the proposed beginning and ending dates of the temporary addition.~~

~~b. Certify that the applicant will comply with the provisions of s. 395.003(4), F.S., which requires approval from the hospital licensure unit within the agency's Bureau of Health Facility Regulation before operation of a number of beds that is greater than the number indicated on the hospital license.~~

~~(d)(g)~~ Addition of nursing home beds in a number not exceeding 10 beds or 10 percent of the licensed capacity of the nursing home being expanded, whichever is greater. A request for exemption of a proposed addition of nursing home beds shall specify:

1. through 4. No change.

5. The request shall certify that:

a. The facility has not had any class I or class II deficiencies within the 30 months preceding the request for an addition. ~~Effective beginning July 1, 2001, the facility must be designated as a Gold Seal nursing home.~~

b. through c. No change.

6. through 7. No change.

(e) Addition of nursing home beds to a facility that has been designated as a Gold Seal nursing home under Section 400.235, F.S., in a number not exceeding 20 beds or 10 percent of the licensed capacity of the nursing home being expanded, whichever is greater. A request for exemption of a proposed addition of nursing home beds shall specify:

1. The licensed bed capacity of the nursing home proposed to be expanded.

2. The current number of sheltered beds, if any, included within the licensed bed capacity.

3. The exact number of beds proposed to be added.

4. The number of sheltered beds, if any, proposed to be included within the total to be added.

5. The request shall certify that:

a. The facility has not had any class I or class II deficiencies within the 30 months preceding the request for an addition.

b. The average occupancy rate for the nursing home beds at the facility, for the 12-month period ending 1 month prior to the exemption request, meets or exceeds 96 percent. For the purpose of calculating average occupancy under this sub-subparagraph, the 12-month total of patient days shall be divided by 365 to determine an average daily census, and the average daily census shall then be divided by the total of licensed and approved beds as of the end of the 12-month period. Approved beds are beds authorized for the facility consistent with the provisions of paragraph 59C-1.008(2)(b), F.A.C.

c. Any beds previously authorized for the facility by an exemption under this paragraph have been licensed and operational for at least 12 months.

6. An exemption granted under this paragraph is subject to the project monitoring requirements of Sections 408.040(2)(a)-(c), F.S., and subsection 59C-1.013(2) and (3), F.A.C., including project progress reports, an 18-month validity period for the exemption, and the circumstances for extension of the validity period.

7. Beds authorized under this paragraph shall be inventoried as approved beds until the beds are licensed.

(h) Provision of adult inpatient diagnostic cardiac catheterization services.

1. A request for exemption of a proposed adult inpatient diagnostic cardiac catheterization program shall include certifications by the applicant that:

a. The applicant will not provide therapeutic cardiac catheterization pursuant to the grant of the exemption;

b. The applicant will meet and continuously maintain the minimum licensure requirements specified in subsection 59A 3.2085(13), F.A.C.; and,

e. At least 2 percent of the applicant's annual adult diagnostic cardiac catheterization admissions will be charity and Medicaid patients.

2. An exemption granted for provision of adult inpatient diagnostic catheterization services remains in effect while the requirements specified in s. 408.036(3)(i), F.S., and Rule 59A 3.2085(13), F.A.C., are met.

3. Annual reports of compliance with standards for minimum program volume and minimum services to charity and Medicaid patients, as specified in Rule 59A 3.2085(13)(d) and (i), F.A.C., shall be forwarded to the agency's Certificate of Need Office. The total volume reported shall include both inpatient and outpatient admissions to the adult diagnostic cardiac catheterization program. A single admission is equal to one patient visit to the cardiac catheterization program. The first annual report for the exempted program shall be forwarded within 30 days of the end of the first 12 month period completed subsequent to the 18th month of operation. Annual reports thereafter shall be forwarded within 30 days after the anniversary of the first annual report. The reports should be submitted to the address shown in subsection (1) of this rule.

4. The agency shall provide written notification to the exempted hospital of a determination of non-compliance with the annual compliance requirements of subparagraph (h)3. of this rule. Action upon a finding of non-compliance shall be consistent with the provisions of Section 408.036(3)(i)3.b., F.S.

(i)1. Conversion of skilled nursing beds to acute care beds. A request for exemption of a proposed conversion of hospital-based distinct part skilled nursing unit (SNU) beds to acute care beds shall certify that:

a. The conversion will utilize or modify physical space that exists at the time of the exemption request, without construction of new facilities.

b. The acute care beds will be located at the same premises as the SNU beds.

e. The conversion will not increase the total licensed bed capacity of the hospital.

2. An exemption granted under this paragraph is subject to the project monitoring requirements of s. 408.040(2)(a) (e), F.S., and Rule 59C-1.013(2) and (3), F.A.C., including project progress reports, an 18-month validity period for the exemption, and the circumstances for extension of the validity period.

3. Beds authorized under this paragraph shall be inventoried as approved beds until the beds are licensed.

(f) Establishment of a Level II neonatal intensive care unit (NICU) within a licensed acute care facility if the facility can document that it has had a minimum of 1,500 births during the 12 months preceding the month the exemption application was submitted and agrees to establish at least 10 Level II NICU beds.

1. The total licensed bed capacity of the hospital.

2. The total licensed bed capacity if the Certificate of Need Exemption request is granted.

3. Applicants for exemption under this paragraph must certify that the NICU unit will provide a level of charity care or Medicaid patient days equal to or greater than the district average. The district average will be determined by averaging all Medicaid, Medicaid HMO, and charity care reported to the State Center for Health Statistics for the most recent 12-month period in which data has been cleared by the State Center for Health Statistics.

a. Applicants seeking exemption under this paragraph will verify the district average with the State Center for Health Statistics and certify to provide a certain percentage of patient days to either Medicaid, including Medicaid HMO, or charity care patients or a combination of Medicaid, including Medicaid HMO, and charity care patients.

b. Applicants granted exemption under this paragraph shall report annually, pursuant to s. 408.040, F.S. and Rule 59C-1.013, F.A.C.

4. Applicants for exemption under this paragraph shall demonstrate that it meets the requirements for quality of care, nurse staffing, physician staffing, physical plant, equipment, emergency transportation, and data reporting found in Rule 59C-1.042, F.A.C.

a. Documentation of staffing patterns shall be submitted in a clearly organized format and certified to be correct by the applicant or its authorized representative.

b. Physical plant requirements shall be presented in a clearly organized format and certified to be correct by the applicant or its authorized representative and must indicate the establishment of at least a 10-bed unit.

c. A listing of equipment and equipment specifications should be presented and the applicant or its authorized representative must certify that listed equipment will be purchased.



d. Documentation from authorized emergency transportation providers must be presented attesting to the availability of such transportation to the applicant and certifying that it will provide emergency transportation to the applicant's NICU patients.

(g) Establishment of a Level III neonatal intensive care unit (NICU) within a licensed acute care facility if the facility has at least a 10-bed Level II NICU and can document that it has had a minimum of 3,500 births during the 12 months preceding the month the exemption application was submitted and agrees to establish at least 15 Level II NICU beds.

1. The total licensed bed capacity of the hospital.

2. The total licensed bed capacity if the Certificate of Need Exemption request is granted.

3. Applicants for exemption under this paragraph must certify that the NICU unit will provide a level of charity care or Medicaid patient days equal to or greater than the district average. The district average will be determined by averaging all Medicaid, Medicaid HMO, and charity care reported to the State Center for Health Statistics for the most recent 12-month period in which data has been cleared by the State Center for Health Statistics.

a. Applicants seeking exemption under this paragraph will verify the district average with the State Center for Health Statistics and certify to provide a certain percentage of patient days to either Medicaid, including Medicaid HMO, or charity care patients or a combination of Medicaid, including Medicaid HMO, and charity care patients.

b. Applicants granted exemption under this paragraph shall report annually, pursuant to s. 408.040, F.S. and Rule 59C-1.013, F.A.C.

4. Applicants for exemption under this paragraph shall demonstrate that it meets the requirements for qualify of care, nurse staffing, physician staffing, physical plant, equipment, emergency transportation, and data reporting found in Rule 59C-1.042, F.A.C.

a. Documentation of staffing patterns shall be submitted in a clearly organized format and certified to be correct by the applicant or its authorized representative.

b. Physical plant requirements shall be presented in a clearly organized format and certified to be correct by the applicant or its authorized representative and must indicate the establishment of at least a 15-bed unit.

c. A listing of equipment and equipment specifications should be presented and the applicant or its authorized representative must certify that listed equipment will be purchased.

d. Documentation from authorized emergency transportation providers must be presented attesting to the availability of such transportation to the applicant and certifying that it will provide emergency transportation to the applicant's NICU patients.

(h) The addition of mental health services or beds, as defined in Rule 59C-1.002, F.A.C., to licensed acute care or mental health facilities if the applicant commits to providing services to Medicaid or charity care patients at a level equal to or greater than the district average. A request for exemption of a proposed addition of mental health beds or services shall specify:

1. The licensed bed capacity of the mental health facility or unit to be expanded.

2. The current number of mental health beds by bed category as defined in Rule 59C-1.002, F.A.C.

3. The exact number of beds proposed to be added.

4. The total number of mental health beds, by category, should this exemption be granted.

5. The request shall certify that the level of charity care or Medicaid patient days will be no less than the district average. The district average will be determined by averaging all Medicaid, Medicaid HMO, and charity care reported to the State Center for Health Statistics for the most recent 12-month period in which data has been cleared by the State Center for Health Statistics.

6. Mitigating evidence of compliance under this paragraph may include care provided to and state sponsored patients at a reduced rate and Baker Acted patients. Documentation to demonstrate this care shall be produced annually with the condition compliance report pursuant to s. 408.040, F.S. and Rule 59C-1.013, F.A.C.

7. Beds authorized under this paragraph shall be inventoried as approved beds until the beds are licensed.

8. Notification to the CON office of the conversion of beds from one type of mental health bed to another as defined in Rule 59C-1.002, F.A.C., does not require a Certificate of Need Exemption application and satisfies the requirements of Section 408.036(5)(c), F.S.

(i) The consolidation or combination of licensed nursing homes or transfer of beds between licensed nursing homes within the same planning subdistrict, by providers that operate multiple nursing homes within that same planning subdistrict, if there is no increase in the planning subdistrict total number of nursing home beds and the site of the relocation is not more than 30 miles from the original location. A request for exemption under this paragraph shall specify:

1. For transfer requests:

a. The name and licensed bed capacity of nursing home from which beds will be transferred.

b. The name and licensed beds capacity of the nursing home to which beds will be transferred.

c. The exact number of beds proposed to be added.

d. The total number of licensed beds at each facility should this exemption be granted.

e. The subdistrict location of each facility as defined in Rule 59C-2.200, F.A.C.

f. The physical location of each facility.

2. For consolidation or combination requests:

a. The name and licensed bed capacity of each nursing home to be consolidated.

b. The name of the resulting consolidated nursing home.

c. The total number of licensed beds at the consolidated facility should this exemption be granted.

3. Verification that the providers operate the nursing homes from which beds will either be transferred, consolidated, or combined. Verification may include a copy of the nursing home license showing common ownership. It is the responsibility of the person issued a license to keep licensure information current. If agency records indicate information different from that presented by the applicant, then agency records create a rebuttable presumption as to the correctness of those records and the request for exemption will be denied.

Specific Authority 408.034(6)(5), 408.15(8) FS. Law Implemented 408.036(3),(4) FS. History--New 1-1-77, Amended 6-5-79, 2-1-81, Formerly 10-5.05, Amended 11-17-87, 3-23-88, 1-31-91, Formerly 10-5.005, Amended 7-13-98, 4-2-01, 11-12-01, \_\_\_\_\_.

Note: – Cardiac catheterization services shall be reviewable pursuant to Section 408.0361(2), F.S.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Nursing Facility Services  
 RULE NO.: 59G-4.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update July 2004 to the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, October 2003. The handbook update includes revisions to the physician staffing requirements, allowing medical deductions in determining patient responsibility, policy on days reserved for hospital stays and therapeutic leave, the methods for calculating a nursing facility's occupancy for the prior quarter of the year, and an update to the requirements for a notice for transfer or discharge. The effect will be to incorporate by reference in the rule the July 2004 update to the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference update July 2004 to the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, October 2003.

SUBJECT AREA TO BE ADDRESSED: Nursing Facility Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 400 Part II, 409.902, 409.905, 409.908 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, March 23, 2005, 2:00 p.m.

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: Sam Chaaban, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)487-3028

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.200 Nursing Facility Services.

(1) No change.

(2) All participating nursing facility providers must comply with the provisions of the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, October 2003, updated July 2004, and the corresponding Florida Medicaid Provider Reimbursement Handbook, Institutional 021, October 2003, which are incorporated by reference. Both handbooks are available from the Medicaid fiscal agent.

(3) No change.

Specific Authority 409.919 FS. Law Implemented Chapter 400 Part II, 409.902, 409.905, 409.908 FS. History--New 1-1-77, Amended 6-13-77, 10-1-77, 1-1-78, 2-1-78, 12-28-78, 2-14-80, 4-5-83, 1-1-84, 8-29-84, 9-1-84, 9-5-84, 7-1-85, Formerly 10C-7.48, Amended 8-19-86, 6-1-89, 7-2-90, 6-4-92, 8-5-92, 11-2-92, 7-20-93, Formerly 10C-7.048, Amended 11-28-95, 5-9-99, 10-15-00, 10-4-01, 2-10-04, 9-28-04, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE CHAPTER TITLE: Definitions  
 RULE CHAPTER NO.: 61A-1

RULE TITLES: License Classification  
 RULE NOS.: 61A-1.013

Moral Character  
 61A-1.017

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement statutory provisions and define terms relating to the regulation of alcoholic beverage sales.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions and terms defining the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.14, 561.15, 561.29, 561.43, 559.791, 563.02, 564.02, 565.02, 565.03 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Renee Alsobrook, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Vendors and Licensees	61A-3
RULE TITLES:	RULE NOS.:
Special Restaurant Licenses	61A-3.0141
Club Licenses	61A-3.019
Licenses, Change of Series	61A-3.020
Pool Buying Procedures	61A-3.0305
Exceptions in Employment of	
Minors and Others	61A-3.039
Bottle Club Licenses	61A-3.049
Hardship for Extension to Activate	
Quota License	61A-3.053

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement statutory provisions relating to the regulation of alcoholic beverage sales.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11, 561.14 FS.

LAW IMPLEMENTED: 561.08, 561.14, 561.17, 561.18, 561.19, 561.20, 561.29, 561.42, 562.13, 562.121, 563.02, 564.02, 565.02, 565.03, 565.05, 565.06 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Renee Alsobrook, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Manufacturers and Distributors	61A-4
RULE TITLES:	RULE NOS.:
Delinquent Accounts, Reporting	61A-4.003
Brand Registration	61A-4.005
Storage Permits	61A-4.020
Deliveries to Vendors	61A-4.030

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement statutory provisions relating to the regulation of alcoholic beverage sales.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.01, 561.07, 561.14, 561.42, 561.56, 561.57, 562.03, 565.03, 565.08, 565.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Renee Alsobrook, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Applications, Forms and Requirements	61A-5
RULE TITLES:	RULE NOS.:
Obtaining of Forms	61A-5.001
Completed Application	61A-5.010
Beverage Licenses, New Quota Issue	61A-5.0105
Completed Application for the Grant of a	
New Quota Liquor License	61A-5.011
Application for Retail Tobacco Products	
Dealer Permit	61A-5.056
Application for Alcoholic Beverage License	61A-5.700
License Cancellation Request	61A-5.708
Personal Questionnaire	61A-5.710
Quota License Entry Form	61A-5.747
List of License Application Requirements	61A-5.761

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to implement statutory provisions relating to the regulation of alcoholic beverage sales.

**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed is the implementation of statutory provisions relating to the sales of alcoholic beverages.

**SPECIFIC AUTHORITY:** 561.08, 561.11 FS.

**LAW IMPLEMENTED:** 120.57, 561.01, 561.08, 561.11, 561.14, 561.15, 561.17, 561.18, 561.181, 561.19, 561.20, 561.22, 561.24, 561.25, 561.32, 561.33, 561.331, 561.37, 561.371, 561.42, 565.02 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Renee Alsobrook, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

**RULE TITLES:**  
 General Regulations; Definitions 64F-12.001  
 Licensing, Application, Permitting 64F-12.015

**PURPOSE AND EFFECT:** The proposed rule adds three prescription drugs, Viagra, Celebrex, and Bextra, to the specified list of prescription drugs for which a pedigree paper back to the manufacturer is required for the wholesale distribution of any of these prescription drugs to a wholesale distributor pursuant to Section 499.0121(6)(e), F.S. In addition, revisions will be made to the permit application attachment specifically related to medical oxygen retailers to clarify the application and streamline the application process.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule will amend the definition of a specified drug by adding the prescription drugs Viagra, Celebrex, and Bextra, in all strengths and sizes, to the list of prescription drugs qualifying

as a specified drug. The Prescription Drug Advisory Council recommended to the Secretary of the Department of Health, each by unanimous vote on February 17, 2005, to place Viagra, Celebrex, and Bextra on the list of specified drugs in accordance with the procedures established in Section 499.0121(6)(e), F.S., in order to protect the public health. The proposed rule will update the medical oxygen retailer application form.

**SPECIFIC AUTHORITY:** 499.01, 499.0121(6)(e), 499.05 FS.

**LAW IMPLEMENTED:** 499.0121, 499.0122 FS.

**A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD. THE AGENCY HEAD HAS DETERMINED THAT A RULE DEVELOPMENT WORKSHOP IS UNNECESSARY DUE TO THE INPUT THE DEPARTMENT RECEIVED ON THE SUBJECT AS PART OF THE DRUG WHOLESALER ADVISORY COUNCIL MEETING ON FEBRUARY 17, 2005, TO WHICH THE PUBLIC WAS NOTICED. IN ADDITION, THIS AMENDMENT ADDRESSES AN URGENT NEED TO HELP DETECT AND DETER COUNTERFEIT AND DIVERTED PRESCRIPTION DRUGS IN THE FLORIDA MARKETPLACE THAT POSE A SIGNIFICANT HEALTH RISK TO PERSONS IN FLORIDA. WITH RESPECT TO THE REVISIONS TO THE MEDICAL OXYGEN RETAILER APPLICATION, THE ADDITIONAL INFORMATION REQUESTED WILL ASSIST APPLICANTS IN BEING PREPARED FOR THE INITIAL APPLICATION INSPECTION.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, e-mail: [sandra\\_stovall@doh.state.fl.us](mailto:sandra_stovall@doh.state.fl.us)

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

- 64F-12.001 General Regulations; Definitions.
  - (1) No change.
  - (2) In addition to definitions contained in Sections 499.003, 499.012(1), 499.0122(1), 499.028(1), and 499.61, F.S., the following definitions apply to Rule Chapter 64F-12, F.A.C.:
    - (a) through (u) No change.
    - (v) “Specified drug” means all dosage forms, strengths and container sizes of the following prescription drugs:
      1. Bextra (valdecoxib)
      2. Celebrex (celecoxib)
      1. through 22. renumbered 3. through 24. No change.
      25. Viagra (sildenafil citrate)
      23. through 31. renumbered 25. through 34. No change.
    - (w) through (x) No change.

Specific Authority 499.05, 499.61, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS. History—New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-17-01, 7-1-03, 10-7-03, 1-4-04, 1-29-04,\_\_\_\_\_.

64F-12.015 Licensing, Application, Permitting.

This section addresses the application and permitting requirements of persons regulated under Part I of Chapter 499, F.S.

(1) through (7) No change.

(8) OTHER DISTRIBUTORS. Persons conducting certain distributions of prescription drugs which are not considered wholesale distributions in the state of Florida must obtain a permit from the department prior to initiating that activity. These permits include Complimentary Drug Distributors, all of the designated Restricted Rx Drug Distributor permits as further discussed in Rule 64F-12.023, F.A.C., Medical Oxygen Retailers, and Veterinary Legend Drug Retailers.

(a) through (g) No change.

(h) Application requirements for a Medical Oxygen Retailer include:

1. Contact the department’s Bureau of Statewide Pharmaceutical Services to request an application or download the application from the bureau’s web site.

2. File with the department a completed application for a permit using an original Form DH 1033, “Application for Permit Under Chapter 499, F.S.,” effective January 2004, including the attachment for Medical Gases, effective April 05.

3. Pay the appropriate fee(s) as required by Rule 64F-12.018, F.A.C.

4. Comply with all the requirements for permitting provided in Chapter 499, F.S., and these rules.

5. Have an FDA establishment registration number if the establishment will be transfilling medical oxygen.

(9) through (11) No change.

Specific Authority 499.01, 499.012, 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS. Law Implemented 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028, 499.04, 499.041, 499.05, 499.06, 499.062, 499.063, 499.064, 499.066, 499.067 FS. History—New 12-12-82, Amended 7-8-84, 1-30-85, Formerly 10D-45.54, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.054, Amended 1-26-99, 4-17-01, 10-29-02, 7-6-03, 1-1-04,\_\_\_\_\_.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-50.001
Definitions	67-50.005
Fees	67-50.010
Notice of Funding Availability (NOFA)	67-50.020
General Program Eligible Activities	67-50.030
General Program Restrictions	67-50.040
HAP Program Restrictions	67-50.050

HOME Program Restrictions	67-50.060
Application and Selection Procedures	67-50.070
Credit Underwriting Procedures	67-50.080
Disbursement of Funds, Draw Requests, and Loan Servicing	67-50.090
Reallocation for Disaster Areas	67-50.105

PURPOSE AND EFFECT: The purpose of this Rule Chapter is to establish the procedures by which the Corporation shall:

The purpose of this rule chapter is to establish the Homeownership Loan Program procedures by which the Corporation shall:

(1) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing under the Florida Homeownership Assistance Program (HAP)/Construction Loan Program and provide purchase assistance to Eligible Homebuyers under the HAP Permanent Loan Program as authorized by Sections 420.507 and 420.5088, Florida Statutes (F.S.); and

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

The adoption of these revisions will increase the efficiency and effectiveness of program service and will provide greater clarification of the Program.

SUBJECT AREA TO BE ADDRESSED: The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-50, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.507, 420.5088, 420.5089 FS. LAW IMPLEMENTED: 420.507(23), 420.5088, 420.5089(2) FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Tuesday, March 22, 2005

PLACE: Florida Housing Finance Corporation, Seltzer Conference Room, 227 North Bronough Street, Tallahassee, FL 32301; TELECONFERENCE: 1(888)461-8118 (toll free) and (850)414-5775

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Elizabeth Loggins at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Elizabeth

Loggins, Homeownership Loan Program Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197 (The preliminary text of the proposed rule development shall be posted on Florida Housing Finance Corporation's web site: www.floridahousing.org, when available.)

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Oysters

RULE TITLES:

Apalachicola Bay Oyster

Harvesting Restrictions

Seasons

RULE NOS.:

68B-27.017

68B-27.019

PURPOSE AND EFFECT: The purpose of this rule development effort is to modify the oyster harvesting seasons in Apalachicola Bay. The effect should be to have open seasons for the Bay that better correspond with product availability.

SUBJECT AREA TO BE ADDRESSED: Oyster harvesting seasons in Apalachicola Bay.

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

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

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

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: ADA Coordinator, (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:

68B-27.017 Apalachicola Bay Oyster Harvesting Restrictions.

In addition to all other provisions of this chapter, the following provisions shall apply to Apalachicola Bay:

(1) No person shall harvest or take oysters for commercial purposes from the waters of Apalachicola Bay:

(a) On any Friday or Saturday from ~~June July~~ 1 through ~~August 31 September 30~~ of each year.

(b) On any Saturday or Sunday from ~~September October~~ 1 through November 15 of each year.

(2) through (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-10-91, Amended 11-29-93, Formerly 46-27.017, Amended 6-1-99, \_\_\_\_\_.

68B-27.019 Seasons.

(1) In all areas of the state, no person shall harvest oysters on the public reefs of this state, or have such oysters in possession, from July 1 through September 30 of each year, except in the following areas or circumstances:

(a) In Apalachicola Bay;

1. The harvest or possession of oysters on the public reefs is allowed from ~~June July~~ 1 through ~~August 31 September 30~~ of each year only in the areas specified in subsection 5L-1.003(1), F.A.C., for the Apalachicola Bay System ~~paragraph 68D-7.005(6)(c), F.A.C.~~

2. The harvest or possession of oysters on the public reefs is allowed from ~~September 1 through May 31~~ of each year only in the areas specified in subsection 5L-1.003(1), F.A.C., for the Apalachicola Bay System.

(b) As otherwise provided in this chapter or in Section 370.16, Florida Statutes.

(c) In Wakulla, Dixie, and Levy Counties, no person shall harvest or possess oysters on public reefs from June 1 through August 31 each year.

(2) The possession of oysters during the closed seasons specified in this chapter constitutes a violation of this rule.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-10-91, Amended 10-3-94, 7-15-96, Formerly 46-27.019, Amended \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Blue Crab

RULE TITLES:

Definitions

Blue Crab Limited Entry Endorsement Program

RULE NOS.:

68B-45.002

68B-45.007

PURPOSE AND EFFECT: The purpose of this rule development effort is to create a limited entry endorsement program that would limit fishing effort in the commercial blue crab fishery by limiting the number of fishers. The effect should be to maintain a economically viable commercial trap fishery for blue crabs while protecting the species' long-term health and abundance.

SUBJECT AREA TO BE ADDRESSED: A limited entry endorsement program for commercial blue crab fishery.

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

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

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

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: ADA Coordinator, (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 AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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 NOT AVAILABLE.

**DEPARTMENT OF FINANCIAL SERVICES**

**OIR Insurance Regulation**

RULE TITLE: Reports of Information by Health Insurers Required

RULE NO.: 690-137.004

PURPOSE AND EFFECT: The purpose of the rule is to update forms required to be filed by Health Carriers annually concerning annual premiums and enrollment based on recent legislation changes to Section 627.9175, F.S.

SUBJECT AREA TO BE ADDRESSED: Health Carriers Reporting Forms.

SPECIFIC AUTHORITY: 624.308(1), 627.9175(1),(3),(4)(b) FS.

LAW IMPLEMENTED: 624.307(1), 627.9175 FS.

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

TIME AND DATE: 9:30 a.m., March 25, 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

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

**DEPARTMENT OF FINANCIAL SERVICES**

**OIR Insurance Regulation**

RULE TITLES:	RULE NOS.:
Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement	690-149.038
Forms	690-149.044

PURPOSE AND EFFECT: The rule is being updated to comply with Section 627.9175, F.S., regarding small group carrier reports and to clarify the annual actuarial certification.

SUBJECT AREA TO BE ADDRESSED: Small Employer Carrier Reporting.

SPECIFIC AUTHORITY: 624.308(1), 626.9641, 627.6699(5)(i)3.a.,4.a.,(16), 627.9175 FS.

LAW IMPLEMENTED: 624.424(6), 626.9541, 627.401, 627.410, 627.411, 627.6699, 627.9175 FS.

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

TIME AND DATE: 9:30 a.m., March 25, 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

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

**DEPARTMENT OF FINANCIAL SERVICES**

**OIR Insurance Regulation**

RULE TITLE:	RULE NO.:
Guaranteed Availability of Individual Health Coverage to Eligible Individuals	690-154.112

PURPOSE AND EFFECT: To change the reporting date in the rule from March to April.

SUBJECT AREA TO BE ADDRESSED: Reporting periods for Health Carriers in the individual market.

SPECIFIC AUTHORITY: 624.308, 624.424(1)(c), 627.6487(4)(b) FS.

LAW IMPLEMENTED: 624.307(1), 627.6487 FS.

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

TIME AND DATE: 9:30 a.m., March 25, 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

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

**DEPARTMENT OF FINANCIAL SERVICES**

**OIR Insurance Regulation**

RULE TITLE: Escrow Agreements and Amendments RULE NO.: 690-193.023

PURPOSE AND EFFECT: This rule is being amended to delete the Office as a “party in interest” and a required signatory to escrow agreements. There is no statutory authority to support the rule, as it currently exists.

SUBJECT AREA TO BE ADDRESSED: Escrow Agreements and Amendments.

SPECIFIC AUTHORITY: 651.015(3) FS.  
 LAW IMPLEMENTED: 651.022, 651.023, 651.033 FS.

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

TIME AND DATE: 9:00 a.m., March 23, 2005  
 PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gary Mills, Specialty Product Administration, Office of Insurance Regulation, e-mail: gary.mills@fldfs.com

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

**Section II  
 Proposed Rules**

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: Standards and Procedures for Licensure RULE NO.: 6E-2.004

PURPOSE AND EFFECT: The Commission proposes to clarify the requirements for an institution and its catalog if courses are taught in a language other than English, clarify tuition or fee discounts, and to amend the financial requirements for the various levels of licensure.

SUMMARY: The proposed rule amendment adds language to amend the financial requirements for the various level of licensure, to clarify the requirements for an institution and its catalog if courses are taught in a language other than English, and clarifies discounts for tuition or fees.

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

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

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(2), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.004 Standards and Procedures for Licensure.  
Institutions ~~Each institution~~ applying for a license or moving to a new level of licensure or any other Commission action shall provide all required information to the Commission ~~the following specific information~~, in English. Institutions providing information to students in a language other than English must retain a translation certifying the accuracy of the language of the documents in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.



(1) through (5)(b)6. No change.

7. An institution shall not permit the payment of cash or other nonmonetary incentives, such as but not limited to travel gift certificates to any student or prospective student as an inducement to enroll. An institution shall not use the word "free" or its synonyms in reference to any equipment, tuition, books, or other items in conjunction with recruiting or advertising. Tuition or fee discounts are not permissible; any reductions of tuition or fees must comply with subsection 6E-1.0032(7), F.A.C.

8. through (c) No change.

(6) Standard 6: Finances.

(a) No change.

1. ~~Provisional License Approved Applicant Status:~~

a. through b. No change.

c. If the corporation that controls the institution is ongoing, the institution shall provide a financial statement of the parent corporation compiled, reviewed or audited in accordance with Generally Accepted Accounting Principles, prepared by an independent certified public accountant.

d. No change.

2. ~~Provisional License~~, Annual License, Extended Annual License, or Annual Review: Licensed nondegree schools shall provide annually a review or audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. Licensed, and licensed colleges and universities shall provide annually an audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This annual financial statement shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an explanation of the financial condition of the institution including a financial improvement plan or teach-out plan; or form of surety guaranteeing that the resources are sufficient to protect the current students. If the Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.

3. License by Means of Accreditation: All institutions shall submit an annual audit prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This audit shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an explanation of the financial condition of the institution including a financial improvement plan or teach-out plan or form of surety guaranteeing that the resources are sufficient to

protect the current students. If the Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.

(7) through (9) No change.

(10) Standard 10: Student Services. All institutions, regardless of the level of credentials offered, shall comply with the following standards:

(a) through (b) No change.

(c) Placement Improvement Plans. A ~~nonaccredited~~ institution holding provisional or annual licensure shall report its placement rate as defined by the Commission with each license review. If the placement rate falls below 60% one standard deviation from the Florida average as computed for that year, the Commission shall place the institution on a placement improvement plan. This plan shall include actions to be taken to improve the placement rate and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information on placement personnel, placement activities, job development activities, and additional data as requested by the Commission to show the effectiveness of the plan in improving the placement rate. If the progress report does not show an improvement as accepted by the commission, the Commission shall take actions up to and including revocation of license.

An institution accredited by an agency recognized by the USDOE shall report its placement rate, as required by its respective accrediting agency, with each annual review. If the placement rate does not meet the accrediting agency's requirements, the Commission shall place the institution on a placement improvement plan. This plan shall be developed by the institution and include actions to be taken to improve the placement rate, and shall be submitted to the Commission. A progress report shall be file with the Commission after a period designated by the Commission and shall include information documenting the activities taken by the institution to improve the placement rate. If the progress report does not show improvement as accepted by the Commission, the Commission shall take actions up to and including revocation of license.

(d) Retention Improvement Plans. A ~~nonaccredited~~ institution holding provisional or annual licensure shall report its retention rate as defined by the Commission with each license review. If the rate falls below 50% one standard deviation from the Florida average as computed for that year, the Commission shall place the institution on a retention improvement plan. This plan shall include actions to be taken to improve other retention rate, and shall be submitted to the Commission. A progress report shall be filed with the Commission after a period designated by the Commission, and shall include information documenting the activities taken by the institution to improve the retention rate on retention personnel, retention activities, and additional data as requested by the Commission to show the effectiveness of the plan in



medical education equivalent to a U.S. medical school education; to protect the students from deceptive, fraudulent or substandard education; and to protect the integrity of medical degrees held by Florida citizens. Terms used in this rule are defined in Rule 6E-1.003, F.A.C.

(2) An applicant for initial licensure of a foreign medical school including its clinical clerkship programs shall submit all the forms and documents, accurately, fully and satisfactorily completed as required for each step of licensure in accordance with Rule 6E-2.004, F.A.C. Additionally, for the applicant foreign medical school to be found qualified for licensure it must comply with the following:

(a) Document to the Commission that it has been determined by the United States Department of Education that the medical accreditation standards used by its chartering nation to evaluate and approve the applicant school were comparable to the standards used to evaluate programs leading to the Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.) degree in the United States.

(b) Document that the applicant medical school has on staff a board-certified clinical chairperson for each core clerkship subject area.

(c) Document that the principal academic officer of the clinical clerkship program has been designated by the chief academic officer of the parent medical school and possesses academic and experiential qualifications appropriate to the assignment.

(d) Ensure that the application contains sufficiently detailed information showing that the educational clinical clerkship program, contains faculty planning, teaching, budgeting and allocation of other educational resources, faculty appointments and student assignments are coordinated and integrated with the overall program of the parent medical school.

(e) Document that the faculty of the clinical clerkship program and of the parent medical school have joint responsibility for developing the curriculum for each clerkship. Copies shall be filed with the Commission of officially adopted policies of the parent medical school, outlining procedures for such faculty involvement and the means of ensuring that such procedures are implemented. The parent medical school shall also describe how it will ensure that the curriculum developed for each clerkship will actually be adhered to at each teaching hospital.

(f) Provide the Foreign Medical School parent hospital affiliation agreement that includes the following elements:

1. A statement of the purposes and objectives of the clerkship program;

2. A statement on the desired outcomes or what the foreign medical school expects its students to learn in each clerkship. This may be specified in the foreign medical school's manual or clerkship course syllabi;

3. The clerkships that will be conducted at the teaching hospital and the length of each clerkship;

4. The maximum number of students who will be engaged in clerkship training per year;

5. The titles and academic rank of the individuals appointed by the foreign medical school who will be responsible for supervising and monitoring the educational program;

6. A statement describing the administration and supervision of the clerkship program by the foreign medical school;

7. The responsibility of the teaching hospital in the administration of the clerkship program;

8. The process by which the students will be selected to perform clerkships at the teaching hospital;

9. The support services that will be available for students, including housing, health care, guidance, insurance, and adequate clinical clerkship library facilities;

10. A statement specifying the responsibility for health care, medical insurance and the treatment and follow-up when students are exposed to infectious or environmental hazards or other occupational injuries;

11. The financial arrangement between the foreign medical school and the teaching hospital.

(g) The application for licensure shall document that all students participating in core clerkship programs meet the following standards:

1. Completed at least three (3) years of undergraduate education at a college or university.

2. Completed a basic science program totaling at least four (4) semesters in length. This program shall include, but is not necessarily limited to, rigorous instruction in the major disciplines of the biological sciences (i.e., anatomy, biochemistry, pharmacology, physiology, pathology, and microbiology), the behavioral sciences, and an introduction to clinical diagnosis. Adequate laboratory facilities for this instruction must be provided.

3. Obtained a passing score on Step I of the United States Medical Licensing Examination within 12 weeks of commencing their third year of medical education.

(h) Demonstrate that the hospital provides access to adequate clinical clerkship library facilities and resources available to the students to support the medical clerkship.

(i) Affirm that the medical school will conduct clinical clerkships only in a teaching hospital as defined in this rule.

(j) Institutions shall document policies addressing student exposure to infectious and environmental hazards including: education of the students about methods of prevention; the procedures for care and treatment after exposure, including definition of financial responsibility; and the effects of infectious and environmental disease or disability on student learning activities.

(3) An application for initial licensure of a foreign medical school shall be reviewed by an expert medical school review committee appointed by the chair of the Commission. The committee members shall include individuals who have expertise and degrees in medical education, institutional governance and evaluation experience in clinical clerkships for medical students. The review committee shall prepare a report that addresses whether or not the applicant for licensure of the foreign medical school has met the standards contained in these rules. The committee report shall be advisory to the Commission, and shall supplement the regular staff review.

(4) The Commission shall require an independent review or audit or any applicant medical school's submission from the school's original records when necessary to verify any or all information provided. Such review or audit shall be at the expense of the applicant school.

(5) Each licensed foreign medical school shall submit an annual report to the Commission, updating any information provided in its last submission. This report shall include a list of the names of students who have studied in Florida, the Florida clinical programs in which they studied, the dates of attendance, and the subject or subjects studied. Any substantive change, as defined in subsection 6E-1.003(47), F.A.C. shall result in medical school receiving a Provisional License pursuant to the provisions of Section 1005.31(5), Florida Statutes and subsection 6E-2.002(1), F.A.C.

(6) Licensed foreign medical schools may provide additional clinical clerkships other than the approved programs for their students at Florida teaching hospitals if the school documents the following conditions to the Commission:

(a) The teaching hospital provides residency programs approved by the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA).

(b) The licensed foreign medical school submits to the Commission a written affiliation agreement between the foreign medical school and the teaching hospital that meets the criteria or paragraph 6E-2.0042(2)(f), F.A.C.

(c) The teaching hospital will provide the same facilities, learning opportunities, and supervision as would be provided to U.S. medical schools' students taking clinical training programs in the hospital.

(d) The licensed foreign medical school's appointed faculty will be responsible for providing the same quality in the educational program to the licensed foreign medical school's students as is provided to the students of an United States medical school.

(7) Application for individual approval of an occasional clerkship elective for a student of an unlicensed foreign medical school can obtain approval for an occasional elective clerkship as defined in subsection 6E-1.003(36), F.A.C., provided the student demonstrates compliance with paragraphs (2)(c), (f), (g), and (h) of this rule. In addition to the

requirements set forth in paragraph (2)(g), the student shall submit a transcript directly from his or her medical school indicating completion of all core rotations, and documentation that the student has obtained a passing score on Step 2 of the United States Medical Licensing Examination. The teaching hospital and the medical school shall sign a written affiliation agreement that meets the criteria of paragraph 6E-2.0042(2)(f), F.A.C.

(8) If an application for an individual occasional clerkship occurs in between regularly scheduled Commission meetings, the materials submitted are complete and in compliance with Commission standards, interim executive approval shall be granted by the Executive Director and reported to the Commission at its next meeting for further action.

(9) Denial, probation, or revocation of licensure of a medical clinical clerkship program or individual approval of an occasional clerkship elective shall follow the procedure provisions of Rule 6E-2.0061, F.A.C.

(10) Penalties. See Section 1005.38, Florida Statutes, and Rule 6E-2.0061, F.A.C., for penalties and due process procedures. In the event any violation of this rule poses an immediate threat to the health or safety of Florida patients, emergency action shall be taken by the Commission to suspend the privileges permitted under the medical school's license until due process has been followed.

Specific Authority 1005.22(1)(e)1., 1005.31(2),(3),(11) FS. Law Implemented 1005.31(11) FS. History--New 12-6-84, Formerly 6E-2.042, Amended 11-27-88, 11-29-89, 10-19-93, 12-11-96, 1-7-03, 10-20-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

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

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

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: Actions Against a Licensee; Penalties

RULE NO.: 6E-2.0061

PURPOSE AND EFFECT: The Commission proposes the rule amendment to delete improper language relating to the procedure for notice of denial of licensure.

SUMMARY: The proposed rule amendment deletes unnecessary language for probable cause determinations by clarifying the procedure.

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

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

SPECIFIC AUTHORITY: 1005.22(1)(e)1., 1005.32(7), 1005.38 FS.

LAW IMPLEMENTED: 1005.32(7), 1005.34(3), 1005.38 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.0061 Actions Against a Licensee; Penalties.

(1) through (6) No change.

(7) Probable cause. Determinations of probable cause shall be made as provided in Section 1005.38, F.S. Probable cause panels shall be appointed to consider suspected violations of law and to make findings, which shall be reported to the full Commission. If the probable cause panel makes a determination of probable cause, the Commission shall issue an administrative complaint or notice of denial of licensure, and shall issue a cease and desist order as provided in Section 1005.38, F.S., if necessary to stop the violations. Probable cause panels shall be appointed and shall serve as follows:

(a) through (c) No change.

(8) through (10) No change.

Specific Authority 1005.22(1)(e)1., 1005.32(7), 1005.38 FS. Law Implemented 1005.32(7), 1005.34(3), 1005.38 FS. History—New 10-13-83, Formerly 6E-2.061, Amended 5-20-87, 11-27-88, 11-29-89, 12-10-90, 10-19-93, 1-7-03, 7-20-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Procedural  
 RULE CHAPTER NO.: 40D-1

RULE TITLE: Forms and Instructions  
 RULE NO.: 40D-1.659

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form No. 04.10 R-025 (8/02), Notification and Request for Transfer of a Water Use Permit, to reflect the recent changes to Rule 40D-2.351, F.A.C., concerning the transfer of Water Use Permits upon a change in ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located. The amendment to Rule 40D-1.659, F.A.C., incorporates the revised form and changes the form number to LEG-R002.01 (2/05).

SUMMARY: This rulemaking amends Form No. 04.10 R-025 (8/02), Notification and Request for Transfer of a Water Use Permit, to reflect current rule requirements. The amendment to Rule 40D-1.659, F.A.C., incorporates the revised form and changes the form number to LEG-R002.01(2/05).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rule 40D-1.659, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

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

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

**GROUND WATER**

(1) through (19) No change.

(20) NOTIFICATION AND REQUEST FOR TRANSFER OF A WATER USE PERMIT

FORM NO. LEG-R002.01 (2/05) 04-10 R-025 (8/02)

**SURFACE WATER**

Application for Permit – Used for Docks or Piers and Bulkheads.

(1) through (20) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 2-1-05,

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2005

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Regulation of Wells RULE CHAPTER NO.: 40D-3

RULE TITLE: Location RULE NO.: 40D-3.505

PURPOSE AND EFFECT: The proposed rule amendment will provide the District with a mechanism to review and act upon Well Construction Permit (WCP) applications in areas of known groundwater contamination that have been identified by the Environmental Protection Agency, the Department of Environmental Protection, or local governments.

SUMMARY: The proposed rule amendment will provide the District with a mechanism to review and act upon Well Construction Permit (WCP) applications in areas of known groundwater contamination that have been identified by the Environmental Protection Agency, the Department of Environmental Protection, or local governments. The rule

informs the public that the District will deny a WCP application if use of the well would increase the potential for harm to public health, safety and welfare, or if the proposed well would degrade the water quality of the aquifer by causing pollutants to spread. The rule also advises the public that variances from the rule are available, and of the factors that would be considered in reviewing a variance request.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rule 40D-3.505, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.306, 373.308, 373.309 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-3.505 Location.

(1) Wells shall be located so as to not pose a threat of contamination to the water resource and to provide for the protection of the health, safety and welfare of the user.

(2) Minimum spacing between wells and sanitary hazards, including but not limited to, septic tanks, drain fields, and ground water contamination areas, ~~and cesspools~~, shall be as specified by Section 381.0065, F.S., and subsection 62-532.400(7), F.A.C. The District shall increase these distances if necessary to protect the health, safety and welfare of individuals who may be exposed to ground water contamination through ingestion, inhalation, or dermal absorption. ~~This subsection does not relieve the applicant from the responsibility of complying with the requirements of any other regulatory agency with jurisdiction over the applicant’s activities.~~

(3) The District will deny a permit application to construct a water well if use of the well would increase the potential for harm to public health, safety and welfare, or if the proposed well would degrade the water quality of the aquifer by causing pollutants to spread. The District shall increase these distances if necessary to protect the health, safety and welfare of individuals who may be exposed to ground water contamination through ingestion, inhalation, or dermal absorption.

(4) A variance from the above-specified restrictions distances may be obtained from the District as provided in Rule 40D-1.1001, F.A.C. The review of a variance request shall include an evaluation of the following criteria, as applicable: surface and ground water gradients, well location, withdrawal amount, well depth (including depth of casing), natural barriers, impermeable geological strata, water quality sampling, compliance with the requirements of Chapter 62-524, F.A.C., other grouting or protective well construction measures, and the use of treatment systems acceptable by the Department or Department of Health local health unit.

(5) Nothing in this section relieves an applicant of the responsibility to comply with the requirements of any other regulatory agency with jurisdiction over the applicant's activities.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.308, 373.309 FS. History—New 7-1-90, Amended 12-31-92, 7-2-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2005

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Individual Environmental  
RULE CHAPTER NO.: 40D-4

Resource Permits  
RULE TITLE: Definitions  
RULE NO.: 40D-4.021

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the definitions of the terms “alteration” and “new surface water management system”.

SUMMARY: The proposed rule amendment clarifies two definitions in the District’s environmental resource permitting rules. The changes are consistent with the District’s long-term interpretation and application of the terms to narrowly restrict

exemptions from permitting requirements, and will clarify the meaning of the terms for the public. The definition of “alteration” is being modified to remove the term “design”, in order to clarify that it is the alteration of what is currently in existence, not what was planned, that requires a permit. The definition of “new surface water management system” is being modified to add the phrase “by the District”, to clarify that only systems previously authorized by the District are exempt from permitting requirements, not systems approved by other entities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rules 40D-4.021, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.118, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.403, 373.419 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.021 Definitions.

When used in this chapter and chapters 40D-40 and 40D-400, F.A.C.:

(1) “Alteration” means any activity resulting in substantial expansion or change of a surface water management system that will increase or decrease the ~~design~~ discharge of the system, increase pollutant loading, change the point or points of discharge, or intrude into or otherwise adversely impact wetlands by rim ditching, draining, filling or excavation. Routine custodial maintenance and repairs shall not constitute alterations.

(2) through (10) No change.

(11) "New surface water management system" means any surface water management system that was ~~which is~~ not in existence on October 1, 1984, or was not authorized by the District to be constructed on October 1, 1984.

(12) through (22) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.403, 373.419 FS. History--Readopted 10-5-74, Formerly 16J-4.02, Amended 10-1-84, 3-1-88, 9-11-88, 10-3-95, 7-23-96, 2-27-02, 9-26-02, 2-19-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2005

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Individual Environmental Resource Permits  
 RULE CHAPTER NO.: 40D-4

RULE TITLES: Publications and Agreements Incorporated  
 by Reference 40D-4.091

Transfer of Permits 40D-4.351

PURPOSE AND EFFECT: The proposed amendment to Rule 40D-4.091, F.A.C., will incorporate proposed changes to subsection 3.3.7.6 of the District's Environmental Resource Permitting Basis of Review (ERP Basis of Review). The proposed changes to the ERP Basis of Review delete references to impractical or nonexistent methods for demonstrating the financial responsibility necessary to conduct certain wetland mitigation activities.

The proposed amendment to Rule 40D-4.351, F.A.C., clarifies that a Formal Determination of Wetlands and Other Surface Waters issued pursuant to Rule 40D-4.042, F.A.C., may be transferred to a successor in interest to the party who originally petitioned for the determination.

SUMMARY: This proposed rulemaking covers two issues. The first issue is financial assurances. A permit applicant proposing mitigation for wetland impacts is required by paragraph 40D-4.301(1)(j), F.A.C., to provide the District with assurances that the applicant is financially able to conduct the mitigation activities, including monitoring and any necessary corrective action. The Environmental Resource Permitting Basis of Review (ERP Basis of Review) presently lists eight acceptable forms of financial assurances that an applicant may provide. Four of the listed forms are unduly complex, or are not available. The proposed amendments to the ERP Basis of

Review delete references to the impractical or nonexistent forms of financial responsibility. The amendment to Rule 40D-4.091, F.A.C., incorporates these revisions to the ERP Basis of Review into the District's rules.

The second issue covered in this rulemaking is an amendment to Rule 40D-4.351, F.A.C., clarifying that a Formal Determination of Wetlands and Other Surface Waters issued pursuant to Rule 40D-4.042, F.A.C., may be transferred to a successor in interest to the party who originally petitioned for the determination. The amendment indicates that the transfer shall be subject to the conditions of the original determination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rules 40D-4.091 and 40D-4.351, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) "Basis of Review for Environmental Resource Permit Applications" with the Southwest Florida Water Management District, \_\_\_\_\_ ~~February 1, 2005~~. This document is available from the District upon request.

(2) through (4) No change.





Environmental Resource Permit for a Minor Surface Water Management System must certify that the application meets the conditions for issuance of such permits. It has been general staff practice since 1988 that applications for this type of permit only receive administrative staff review for completeness. Due to the need for engineering staff to work on larger and higher priority applications, these applications are for the most part not subject to engineering review. The permits are issued based on administrative completeness and the certification of the applicant's design Engineer of Record that technical conditions for issuance are met. After completion of construction, the District receives and reviews as-built construction drawings for the project. Occasionally, deficiencies in the engineering design or other related problems result in a project that does not meet District rule requirements. The proposed permit condition emphasizes that the permit was issued based upon the applicant's certification that the project meets all applicable rules and specifications, and informs the applicant that the applicant will be required to correct any later discovered deficiencies in the project design or construction.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-40.381, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.  
LAW IMPLEMENTED: 373.117, 373.413, 373.414, 373.416, 373, 419 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-40.381 General Conditions.

The general permits issued pursuant to this chapter shall be subject to the following limiting conditions;

(1) through (3) No change.

(4) For general permits for minor surface water management systems issued pursuant to Rule 40D-40.301, F.A.C., the following limiting general condition shall also apply:

This permit is issued based upon the permittee's certification that the surface water management system meets all applicable rules and specifications, including the conditions for issuance of general permits for minor surface water management systems described in subsection 40D-40.301(1), F.A.C. If at any time it is determined by the District that the conditions for issuance have not been met, and upon written notice by the District, the permittee shall obtain a permit modification and perform any construction necessary thereunder to correct any deficiencies in the system design or construction necessary to bring the system into compliance with District rule criteria. The permittee is advised that the correction of deficiencies may require re-construction of the surface water management system.

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

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.117, 373.413, 373.414, 373.416, 373.419 FS. History--New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, 9-26-02, 8-3-03, 2-19-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2005

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Environmental Resource Permits  
RULE CHAPTER NO.: 40D-400

RULE TITLE: General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems  
RULE NO.: 40D-400.500

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to adopt the 2003 version of the Silviculture Best Management Practices Manual published by the Division of Forestry, Florida Department of Agriculture and Consumer Services into Rule 40D-400.500, F.A.C.

SUMMARY: Rule 40D-400.500, F.A.C., which describes Noticed General Permits for silvicultural surface water management systems, references the Silviculture Best Management Practices Manual published by the Division of Forestry, Florida Department of Agriculture and Consumer

Services in 1993. An updated manual was published in 2003. The District has reviewed the 2003 manual, and proposes to amend the rule to adopt the updated document.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-400.500, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.118 FS.

**LAW IMPLEMENTED:** 373.413, 373.414, 373.416, 373.419 FS.

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

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

**THE FULL TEXT OF THE PROPOSED RULE IS:**

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

(1) through (4) No change.

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

(a) through (g) No change.

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

(i) No change.

(6) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373, 419 FS. History—New 10-3-95, Amended \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Governing Board of the Southwest Florida Water Management District

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

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** February 25, 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 HEALTH**

**Board of Chiropractic Medicine**

**RULE TITLE:** Application for Certification as a Chiropractic Physician's Assistant **RULE NO.:** 64B2-18.002

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

**SUMMARY:** The proposed rule amendment is to amend the qualifications requirements for certification as a Chiropractic Physician's Assistant.

**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:** 460.405, 460.4165(6),(9) FS.

**LAW IMPLEMENTED:** 460.4165(3),(5),(6),(9) 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:** Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

**THE FULL TEXT OF THE PROPOSED RULE IS:**

64B2-18.002 Application for Certification as a Chiropractic Physician's Assistant.

(1) through (2) No change.

(3) Applicants may qualify for certification as a chiropractic physician's assistant by either:

~~(a) Successfully completing an educational and training program of two academic years (60 academic hours or its equivalent in classroom hours) in duration at a chiropractic college maintaining a standard and reputability approved by the Board or at a college or university which is accredited by, or has status with an agency or its successor which is recognized and approved by the United States Office of Education or the Council on Post Secondary Accreditation;~~

~~(a)(b) Successfully completing a Board approved program approved pursuant to subsection 64B2-18.003(2), F.A.C., for the education and training of certified chiropractic physician's assistants, or~~

~~(b)(e) Graduating from a chiropractic college which is accredited by, or has status with the Council on Chiropractic Education or its predecessor agency, provided that the applicant has never had a license to practice as a chiropractic physician subject to disciplinary action in this or any other jurisdiction.~~

(4) through (6) No change.

Specific Authority 460.405, 460.4165(6),(9) FS. Law Implemented 460.4165(3),(5),(6),(9) FS. History--New 11-25-81, Formerly 21D-18.02, 21D-18.002, 61F2-18.002, 59N-18.002, Amended 6-7-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 18, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2004

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Licensee Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges

RULE NO.:

64B5-2.0144

PURPOSE AND EFFECT: The Board proposes the rule amendments to first remove the requirement regarding the national written examination and only require dental hygiene licensure applicants to have passed the national licensure examination within a prescribed time and second, in order to assure the competency of applicants, adds the requirement to meet the course curricula of an accredited dental hygiene program.

SUMMARY: The proposed rule amendment requires applicants to submit proof of passing the national licensure examination and adds a requirement that applicants complete courses that lead to a degree from an accredited dental hygiene program.

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: 466.004, 466.007 FS.

LAW IMPLEMENTED: 466.007 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.0144 Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges.

Applicants for licensure as dental hygienists who have graduated from an unaccredited dental school or college shall submit the following:

(1) through (6) No change.

~~(7) Proof received directly from the American Dental Association, that the National Board of Dental Examiners Written Examination has been successfully completed within 10 years prior to application; or that the National Board of Dental Hygiene Examination has been successfully completed within 10 years prior to application. Applicants who successfully completed the dental examination more than 10 years prior to application shall submit proof of having successfully completed Part II of the examination within 10 years prior to application and in no more than three attempts to successfully complete it, prior to application;~~

(8) Complete the courses leading to a degree from an American Dental Association accredited dental hygiene program.

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

Specific Authority 466.004, 466.007 FS. Law Implemented 466.007 FS. History--New 1-18-95, Formerly 59Q-2.0144, Amended 8-19-97, 8-20-97, 5-20-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 2004

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:

Limited License as Allowed in Section 456.015, F.S. 64B5-7.007

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the application fee that will be waived upon meeting the requirements of paragraph (1)(e).

SUMMARY: The proposed rule amendment adds the word "fee" after application in paragraph (1)(e).

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

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

SPECIFIC AUTHORITY: 456.015, 466.004 FS.

LAW IMPLEMENTED: 456.015, 466.006, 466.007, 466.011 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-7.007 Limited License as Allowed in Section 456.015, F.S.

(1) A limited license shall be issued by the Board of Dentistry to an applicant who has retired or intends to retire from the practice of dentistry or dental hygiene and intends to practice only pursuant to the restrictions of the limited license granted pursuant to Section 456.015, F.S., if the applicant:

(a) through (d) No change.

(e) Pays a fee of \$300. If the applicant for a limited license submits a notarized statement from the employer stating the applicant will not receive monetary compensation for any service involving the practice of dentistry or dental hygiene, the application fee and all licensure fees shall be waived.

(2) No change.

Specific Authority 456.015, 466.004 FS. Law Implemented 456.015, 466.006, 466.007, 466.011 FS. History--New 7-19-01, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2005

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:

Courses Required of Licensees for Renewal and Reactivation 64B5-12.020

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove the biennial requirement for continuing education instruction in laws, rules and ethics governing the practice of dentistry.

SUMMARY: The proposed rule amendment deletes subsection (2) in its entirety regarding continuing education in laws, rules and ethics.

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: 466.004 FS.

LAW IMPLEMENTED: 456.013(6),(7),(8), 466.0135, 466.014, 466.017(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-12.020 Courses Required of Licensees for Renewal and Reactivation.

Licensed dentists and dental hygienists are required to complete the following continuing education during each license renewal biennium.

(1) No change.

~~(2) Instruction in laws, rules and ethics governing the practice of dentistry and dental hygiene consisting of at least 2 hours of instruction in relevant topics including: Chapters 456 and 466, F.S., Rule Chapter 64B5, F.A.C., professional responsibility and competence; legal standards; confidentiality; professional relationships; recordkeeping; common malpractice complaints; commonly reported violations reported to the Department; and relevant case studies. The requirements of this paragraph may be met by completion of a correspondence course.~~

~~(2)(3)~~ No change.

Specific Authority 466.004 FS. Law Implemented 456.013(6),(7),(8), 466.0135, 466.014, 466.017(4) FS. History--New 4-11-94, Amended 7-18-94, Formerly 61F5-12.020, 59Q-12.020, Amended 1-23-01, 6-7-01, 9-27-01, 12-23-02, 10-8-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: July 23, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: January 28, 2005

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Delinquency Fee  
RULE NO.: 64B5-15.011  
PURPOSE AND EFFECT: The Board proposes the rule amendments to lower delinquent license renewal fees in order to encourage licensees to keep their licenses current.  
SUMMARY: The proposed rule amendments decrease delinquent status license fees.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.  
Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.  
SPECIFIC AUTHORITY: 456.036, 466.004(4), 466.013, 466.015 FS.  
LAW IMPLEMENTED: 456.036, 466.015 FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.011 Delinquency Fee.

The fee for delinquent status of a dental license shall be \$50 for renewals postmarked no later than March 31 of the even numbered years. The fee for delinquent status of a dental license renewal postmarked after March 31 of the even numbered years shall be \$150 ~~\$300~~. The fee for delinquent status of a dental hygiene license shall be \$25 for renewals postmarked no later than March 31 of the even numbered years. The fee for delinquent status of a dental hygiene license renewal postmarked after March 31 of the even numbered years shall be \$75 ~~\$135~~.

Specific Authority 456.036, 466.004(4), 466.013, 466.015 FS. Law Implemented 456.036, 466.015 FS. History—New 7-12-95, Amended 5-6-96, Formerly 59Q-15.011, Amended 9-27-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: July 23, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: January 28, 2005

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Citations  
RULE NO.: 64B8-44.005  
PURPOSE AND EFFECT: The Council finds it necessary to amend this rule to clarify that citations will include the requirement that violations be corrected within 60 days and to add additional violations.  
SUMMARY: This rule sets out citations which may be utilized in lieu of disciplinary procedures. This amendment sets limits on the time to pay the citations and adds additional offences which can be punishable by a fine.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.  
Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.  
SPECIFIC AUTHORITY: 456.077, 468.507 FS.  
LAW IMPLEMENTED: 456.077, 468.517, 468.518 FS.  
IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD).  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Medicine, Dietetics and Nutrition Practice Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-44.005 Citations.

- (1) No change.
- (2) In lieu of the disciplinary procedures contained in Section 456.073, F.S., the Department may issue a citation to the subject within six months after the filing of the complaint which is the basis for the citation. All citations will include a requirement that the respondent correct the violation, if remediable, within 60 days.
- (3) No change.
- (4)(a) through (i) No change.



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.

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 28, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED 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 PROPOSED RULE IS:

69J-2.001 Alternative Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising From Hurricane and Tropical Storm Damage.

(1) Purpose and Scope. This 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 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 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.

(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. If the parties reached a settlement, the mediator shall provide a copy of the settlement agreement to the Department and the Administrator within 5 days of the conclusion of the conference. 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 rule or the applicability thereof to any person or circumstance invalid, the remainder of the 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 rule shall govern in the event of any conflict with the provisions of Rule 69B-166.031, Florida Administrative Code.

(15) This mediation program will expire on December 31, 2005.

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 \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Terfinko, Assistant Director, Division of Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Marta Arrington, Director, Division of Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2005

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF EDUCATION

##### Commission for Independent Education

RULE NO.: 6E-2.002  
RULE TITLE: Institutional Licensure

##### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 39, September 24, 2004, Florida Administrative Weekly has been withdrawn.

#### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-20.0025  
RULE TITLE: Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions

##### NOTICE OF 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. 27, July 2, 2004, issue of the Florida Administrative Weekly. These changes are being made in response to comments received from the Joint Administrative Procedures Committee.

The rule now reads as follows:

61-20.0025 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the armed forces shall be exempt from all licensure renewal provisions during such absence. The licensee must show proof to the Board of the absence and the spouse's military status.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NO.: 61-20.508  
 RULE TITLE: Continuing Education Renewal Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 45, November 5, 2004, issue of the Florida Administrative Weekly. These changes are being made in response to comments received from the Joint Administrative Procedures Committee.

Subparagraph (1) of the rule now reads as follows:

(1) All community association manager licensees must satisfactorily complete a minimum of 20 ~~classroom~~ hours of continuing education instruction. Each hour shall consist of 50 minutes of student involvement in approved classroom, correspondence, interactive, distance education or internet courses each during each license renewal period; which ~~courses~~ shall include the required hours at an approved update seminar. ~~Effective October 1, 2004, a maximum of 8 hours may be completed by correspondence, interactive, distance education and/or internet courses. The remaining 12 hours must be completed by classroom instruction.~~ No license shall be renewed unless the licensee has completed the required continuing education ~~contact~~ hours during the preceding licensing period.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE NO.: 64B2-13.004  
 RULE TITLE: Continuing Education

**NOTICE OF CHANGE**

Notice is hereby given that the following additional changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 44, of the October 29, 2004, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative

Procedures Committee. The Board, at its meeting held on February 18, 2005, voted to add new language to subsection (3) of the rule.

The change is as follows:

1. Subsection (3) shall now read:

(3) Continuing education providers, including providers of continuing education in AIDS and risk management, seeking initial approval of continuing education courses by the Board shall pay a fee of \$250. Continuing education providers seeking renewal for the providership of approved courses shall also pay a \$250 fee each biennium. The initial fee and renewal fee shall be assessed per provider and not per course. To receive Board approval, a continuing education course:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE NO.: 64B4-3.003  
 RULE TITLE: Examination of Licensure

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 43, of the October 22, 2004 issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on January 27, 2005, voted to make changes to the language of the rule and add new language.

The changes and additions are as follows:

1. Subsections (3)(b)2. and 3. shall now read:
2. An applicant for licensure as a mental health counselor is not required to take the National Clinical Mental Health Counseling Examination (NCMHCE) at the time of application if the following conditions are met:
  - a. The applicant has taken the NCMHCE within the last five years; and
  - b. The applicant earned the national passing score on the NCMHCE.
3. An applicant for licensure as a mental health counselor is also not required to take the NCMHCE at the time of application if the following conditions are met:
  - a. The applicant has taken the National Counselor Examination (NCE) developed by the National Board of Certified Counselors prior to January 1, 2001; and
  - b. The applicant earned the national passing score of the NCE within five years of application for licensure.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NOS.:	RULE TITLES:
64B9-17.001	Statement of Intent of Purpose
64B9-17.002	Definitions
64B9-17.003	Competency and Knowledge Requirements

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rules, as noticed in Vol. 30, No. 48, November 24, 2004 issue, Florida Administrative Weekly have been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.:	RULE TITLE:
64B13-18.002	Formulary of Topical Ocular Pharmaceutical Agents

**THIRD 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. 21, of the May 21, 2004, issue of the Florida Administrative Weekly. The changes are in response to a public hearing held on this rule on February 9, 2005, in Orlando, Florida. This Notice of Change incorporates the previous Notice of Change which published in Vol. 30, No. 53, of the December 30, 2004, Florida Administrative Weekly with the following changes:

- Subsection (1)(c) shall read: Cyclopentolate HCl – 0.1%, 0.5%
- Subsection (1)(d) shall read: Scopolamine HBr – 0.25%
- Subsection (1)(f) shall read: Tropicamide – 0.5%, 1.0%
- Subsection (4)(j) shall read: Ofloxacin – 0.3%
- Subsection (6)(b) shall read: Levocabastine hydrochloride – 0.05%
- Subsection (6)(c) shall read: Lodoxamide tromethamine – 0.1%
- Subsection (6)(f) shall read: Ketotifen – 0.025% (Zaditor)
- Subsection (9)(b) shall read: Dapiprozole

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

**Section IV  
Emergency Rules**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**Section V  
Petitions and Dispositions Regarding Rule Variance or Waiver**

**DEPARTMENT OF EDUCATION**

The Commission for Independent Education hereby gives notice of the issuance of an Order regarding the Petition for Variance for Florida Auctioneer Academy, Inc., License #667. The Notice of Petition for Variance was published in Vol. 30, No. 14, of the April 2, 2004, Florida Administrative Weekly. The Commission considered the instant Petition at a duly-noticed public meeting held on May 21, 2004.

The Commission’s Order, filed on June 22, 2004, denies the Petition, finding that Petitioner has not established that the purpose of the underlying statute, Section 120.542(2), would be met by granting a variance or waiver from subsection 6E-2.004(6), Florida Administrative Code. The Commission further finds that Petitioner has failed to establish that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness or impose substantial hardship.

A copy of the Commission’s Order may be obtained by contacting: Samuel L. Ferguson, Executive Director, Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

**DEPARTMENT OF LAW ENFORCEMENT**

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Brad Hudson. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 31, No. 4, January 28, 2005. No public comment was received. The Petitioner requested a waiver of paragraph 11B-20.0014(2)(d), F.A.C., pursuant to Section 120.542, F.S. The Petitioner requested that the Department waive certain course sequencing requirements for criminal justice instructors.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Craig Smith. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 31, No. 7, February 18, 2005. No public comment was received. Petitioner requested that the Department waive paragraph 11B-20.0014(2)(d), F.A.C., as it pertains to the requirement that no more than two voting officers from one agency may be on a Regional Training Council at one time, pursuant to Section 120.542, F.S.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, (850)410-7687.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on February 11, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(d), Florida Administrative Code from Vibe Café Ultra Lounge located in Orlando. The above referenced F.A.C. states that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C. Petitioner is requesting a variance to have a 300-gallon wastewater tank equipped with an alarm for sewage disposal.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on February 18, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from Lulu's Bar and Grill in Fernandina Beach. The above referenced F.A.C. states "...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... The Petitioner is requesting a variance to use bathroom facilities located in an adjacent establishment instead of adding an additional bathroom.

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 Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed on behalf of Lucero M. Rodriguez, M.D. The Notice of Petition for Variance/Waiver was published in Vol. 30, No. 40, of the October 1, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on January 22, 2005, and the Board considered the Committee's recommendation at its meeting held on February 5, 2005, in Miami, Florida. The Board's Order, filed on February 18, 2005, conditionally grants the petition for variance/waiver of Rule 64B8-5.001, F.A.C., finding that the Petitioner has demonstrated a substantial hardship. The Board's Order requires Petitioner to retake and pass Step 2 of the USMLE within two years, and in no more than two attempts, in order for Petitioner to meet the purpose of the underlying statute.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed on behalf of Anupama Emandi, M.D. The Notice of Petition for Variance/Waiver was published in Vol. 30, No. 52, of the December 23, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on January 22, 2005, and the Board considered the Committee's recommendation at its meeting held on February 5, 2005, in Miami, Florida. The Board's Order, filed on February 18, 2005, conditionally grants the petition for variance/waiver of Rule 64B8-5.001, F.A.C., finding that the Petitioner has demonstrated a substantial hardship. The Board's Order requires Petitioner to retake and pass Step I of the USMLE within one year, and in no more than two attempts, in order for Petitioner to meet the purpose of the underlying statute.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed by Astrid Lopez, M.D. The Notice of Petition for Variance/Waiver was published in Vol. 30, No. 52, of the December 23, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on January 22, 2005, and the Board considered the Committee's recommendation at its meeting held on February 5, 2005, in Miami, Florida. The Board's Order, filed on February 18, 2005, conditionally grants the petition for variance/waiver of Rule 64B8-5.001, F.A.C., finding that the Petitioner has demonstrated a substantial hardship. The Board's Order requires Petitioner to retake and pass Step I of the USMLE within one year, and in no more than two attempts, in order for Petitioner to meet the purpose of the underlying statute.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed on behalf of Pritha R. Dhungana, M.D. The Notice of Petition for Variance/Waiver was published in Vol. 30, No. 53, of the December 30, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on January 22, 2005, and the Board considered the Committee's recommendation at its meeting held on February 5, 2005, in Miami, Florida. The Board's Order, filed on February 18, 2005, conditionally grants the petition for

variance/waiver of Rule 64B8-5.001, F.A.C., finding that the Petitioner has demonstrated a substantial hardship. The Board's Order requires Petitioner to retake and pass either Step I, or either part of Step 2 of the USMLE within two years, and in no more than two attempts, in order for Petitioner to meet the purpose of the underlying statute.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed by Syed A. Ali, M.D. The Notice of Petition for Variance/Waiver was published in Vol. 30, No. 48, of the November 24, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on January 22, 2005, and the Board considered the Committee's recommendation at its meeting held on February 5, 2005, in Miami, Florida. The Board's Order, filed on February 18, 2005, conditionally grants the petition for variance/waiver of Rule 64B8-5.001, F.A.C., finding that the Petitioner has demonstrated a substantial hardship. The Board's Order requires Petitioner to retake and pass either Step I, or either part of Step 2 of the USMLE within two years, and in no more than two attempts, in order for Petitioner to meet the purpose of the underlying statute.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed by Malik Ibrahim, M.D. The Notice of Petition for Variance/Waiver was published in Vol. 30, No. 52, of the December 23, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on January 22, 2005, and the Board considered the Committee's recommendation at its meeting held on February 5, 2005, in Miami, Florida. The Board's Order, filed on February 18, 2005, conditionally grants the petition for variance/waiver of Rule 64B8-5.001, F.A.C., finding that the Petitioner has demonstrated a substantial hardship. The Board's Order requires Petitioner to retake and pass either Step I, or either part of Step 2 of the USMLE within two years, and in no more than two attempts, in order for Petitioner to meet the purpose of the underlying statute.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

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## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

The **Grove Advisory Council** announces a joint public meeting to which all persons are invited.

DATE AND TIME: Friday, March 11, 2005, 10:30 a.m.

PLACE: The Grove, 100 East 1st Avenue, Tallahassee, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6360.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or 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, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Florida Historical Commission** announces four public meetings to which all persons are invited.

Grant Review Panel for Historic Preservation Acquisition and Development Applications:

DATES AND TIME: Monday, April 4, 2005, 9:00 a.m.; Tuesday, April 5, 2005, 9:00 a.m.

PLACE: R. A. Gray Building, Heritage Hall Auditorium, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review Acquisition and Development grant applications submitted to the Bureau of Historic Preservation by December 15, 2004 deadline for State and Federal grant assistance for historic preservation projects, and to recommend priority ranking and funding levels for grant awards.

Grant Review Panel for Historic Preservation Survey and Planning Applications:

DATES AND TIME: Monday, April 4, 2005, 9:00 a.m.; Tuesday, April 5, 2005, 9:00 a.m.

PLACE: R. A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review Survey and Planning grant applications submitted to the Bureau of Historic Preservation by December 15, 2004 deadline for State and Federal grant assistance for historic preservation projects, and to recommend priority ranking and funding levels for grant awards.

A copy of the agenda may be obtained by writing: Mr. Robert Taylor, Historic Preservationist, Supervisor of Historic Preservation, Department of State, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250, (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, 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, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact: Bureau of Historic Preservation, (850)245-6333, Fax (850)245-6437.

The **Florida Historical Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 5, 2005, 1:00 p.m.

PLACE: Leon County Civic Center, Room C, Pensacola Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review National Register nominations.

A copy of the agenda may be obtained by writing: Bureau of Historic Preservation, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or 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, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Florida Historical Commission** announces public meetings to which all persons are invited.

DATE AND TIME: Tuesday, April 5, 2005, 1:00 p.m.

PLACE: Leon County Civic Center, Room C, 505 West Pensacola Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review National Register nominations.

DATE AND TIME: Wednesday, April 6, 2005, 2:00 p.m.

PLACE: Leon County Civic Center, A2, 505 West Pensacola Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Joint Event – Meeting of Arts Council, Folklife Council and the Florida Historical Commission.

DATE AND TIME: Thursday, April 7, 2005, 9:00 a.m.

PLACE: R. A. Gray Building, Heritage Hall Auditorium, 500 South Bronough Street, Tallahassee, Florida



GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General Business Meeting.

A copy of the agendas may be obtained by writing: Bureau of Historic Preservation, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or 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, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact: Division of Historical Resources, (850)245-6360, Fax (850)245-6435.

The **Florida Folklife Council** announces a joint public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 6, 2005, 2:00 p.m.

PLACE: Leon County Civic Center, Room A2, 505 West Pensacola Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Joint Event – Meeting of Arts Council, Folklife Council and the Florida Historical Commission.

DATE AND TIME: Thursday, April 7, 2005, 9:00 a.m.

PLACE: R. A. Gray Building, Room 307, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General Business Meeting.

A copy of the agenda may be obtained by writing: Florida Folklife Programs, Bureau of Historic Preservation, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or 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, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

#### DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold a meeting to which all interested persons are invited to participate.

DATES AND TIMES: March 14, 2004, 1:00 p.m. – 5:00 p.m.;  
March 15, 2004, 9:00 a.m. – 1:00 p.m.

PLACE: Turlington Building, Florida Education Center, 325 West Gaines Street, Room 1721-1725, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting of Nature Coast Soil and Water Conservation District to which all person are invited:

DATE AND TIME: Wednesday, March 9, 2005, 7:00 p.m. – 8:30 p.m.

PLACE: Hernando County Cooperative Extension Office, 19490 Oliver St., Brooksville, FL 34601, (352)754-4433

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Nature Coast Soil and Water Conservation District (SWCD) supervisors are gathering for an organizational meeting.

A copy of the agenda or directions may be obtained by contacting: Office of Agricultural Water Policy, Mail Stop GS-50, 1203 Governors Square Blvd., Ste. 200, Tallahassee, FL 32301, Attn: Lynda Garvin, 1(800)836-0797, Ext. 2125, or Clegg Hooks and Brittany Schoenen, (850)488-6249, Suncom 921-2153.

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel Management, Department of Agriculture and Consumer Services, (850)488-1806, at least seven days prior to the meeting.

The **Endangered Plant Advisory Council** announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, April 8, 2005, 1:00 p.m. – 4:00 p.m.

PLACE: Cowperthwaite Building Auditorium, 3027 Lake Alfred Road, Winter Haven, Florida 33881, (863)298-7777

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the following agenda items: 1. Welcoming and Opening Remarks.; 2. Approval of Agenda (Additions, Changes); 3. Review and Approve Minutes of Fall Meeting; 4. Review Summary of Grant Funding; 5. New Listings Proposals for Regulated Plant Index; 6. U.S. Fish & Wildlife Update on Conservation Grants and Contracts; 7. Comments or Concerns from Interested Parties; 8. Schedule Next Meeting; 9. Adjourn.

A copy of the agenda may be obtained by contacting: Division of Plant Industry, P. O. Box 147000, Gainesville, Florida 32614-7100.

Please contact Mr. Danny Phelps, (352)372-3505, if you have any questions.

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council:

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

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call: Sonia Baquero, (305)401-1502.

**DEPARTMENT OF EDUCATION**

The Florida **Department of Education**, Bureau of Exceptional Education and Student Services announces a public meeting to which all persons are invited.

Florida State Advisory Committee for the Education of Exceptional Students

DATE AND TIME: March 18, 2005, 9:00 a.m. – 3:30 p.m.

PLACE: Crown Plaza, Orlando Universal, 8700 Universal Blvd., Orlando, Florida 32811

GENERAL SUBJECT MATTER TO BE CONSIDERED: Individuals with Disabilities Education Act (IDEA) 2004 Implementation, IDEA State Improvement Plan/Annual Performance Report, exceptional student education rule implementation.

For additional information, please contact: Michele Polland, Bureau of Exceptional Education and Student Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0475.

The public is invited to a meeting of the **State Board of Education**.

DATE AND TIME: March 15, 2005, 8:30 a.m.

PLACE: Miami Northwest Senior High, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of Minutes of meeting held February 15, 2005 and updates on various reports and status on education initiatives by the Chairman and Commissioner. Other items include: Charter School Appeals: The Learning Curve, Inc. vs. School Board of Lake County and Life Skills Center Hillsborough County, Inc. vs. School Board of Hillsborough County; Consideration to Approve Bachelors of Applied Science Program for Daytona Beach Community College and Consideration to Approve Bachelors of Applied Science in Public Safety Management Program for Edison Community College; Voluntary Pre-K (VPK) Program – Process for Review/Approval of Curricula; Proposed Amended Rule 6A-1.0014, Comprehensive Management Information System;

Proposed Amended Rule 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; Community College Employment Equity Accountability Program Annual Progress Report; Consideration of Requests for Waivers by Volusia County School Board as a Charter District; A Resolution of the State Board of Education Approving the Creation of a Subsidiary of the H. Lee Moffitt Cancer Center and Research Institute, Inc.; Miami Dade College – Request to Change the Site Designation from Hialeah Center to Hialeah Campus; Adoption of Resolutions Authorizing the Issuance and Sale of State of Florida Full Faith and Credit, State Board of Education Capital Outlay Bonds, 2005 Series, (To be determined) (Refunding Bonds); and recommendations for meeting the need for educators.

A copy of the agenda may be obtained from: Commissioner 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 **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting to which all interested persons are invited to participate.

DATE AND TIME: March 10, 2005, 10:00 a.m. (CDT)

PLACE: Third Floor Seminar Room, Student Union West, Panama City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

Contact person for the meeting: Dr. Robert L. McSpadden, President.

The Region XII, **Training Council and Assessment Center**, Board of Directors announces a public meeting to which all interested persons are invited:

DATE AND TIME: Thursday, March 17, 2005, 10:00 a.m.

PLACE: Palm Beach Community College, Criminal Justice, Room 101, 4200 Congress Avenue, Lake Worth, FL 33461

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include but is not limited to: FDLE/CJSTC updates; Palm Beach Community College/Criminal Justice Institute Assessment Center update; Region XII Budget Approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola, Secretary of the Criminal Justice Institute at Palm Beach Community College, 4200 Congress Avenue, Lake Worth, FL 33461, (561)868-3403.

The **Department of Education, Florida Rehabilitation Council** announces a meeting to which all interested persons are invited to participate.

MEETING: Public Meeting

DATE AND TIME: March 22, 2005, 4:00 p.m. – 6:00 p.m.

PLACE: Gulf Coast Community College, SUE 232 – Student Union East (Conference Center), 5230 West Highway 98, Panama City, Florida 32401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cycle 2 (State Plan Review), Area 1: Panama City, Florida

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Department of Education, Florida Rehabilitation Council** announces a meeting to which all interested persons are invited to participate.

MEETING: Public Meeting

DATE AND TIME: March 31, 2005, 4:00 p.m. – 6:00 p.m.

PLACE: Crowne Plaza Tampa East, 10221 Princess Palm Avenue, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cycle 2 (State Plan Review), Area 5: Tampa / Brandon, Florida.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

## DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement**, Missing Children Information Clearinghouse Advisory Board, announces a public meeting to which all persons are invited.

QUARTERLY MCIC ADVISORY BOARD MEETING

DATE AND TIME: Friday, March 11, 2005, 9:00 a.m. – 4:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

A copy of the agenda may be obtained by writing: The Florida Department of Law Enforcement, Missing Children Information Clearinghouse, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Gwen Johnson.

A meeting, for the purpose of notice herein, is limited to a gathering for the purpose of conducting public business by members of a collegial body constituting the agency head.

The **Criminal Justice Professionalism Program** announces an Executive Planning Committee meeting to discuss House Resolution Bill 218, the Law Enforcement Safety Act of 2004. All parties are invited to participate.

MEETING NAME: Criminal Justice Standards and Training Commission Executive Planning Committee

DATE AND TIME: Tuesday, March 15, 2005, 10:00 a.m.

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, FL 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of HR 218, Law Enforcement Safety Act of 2004.

EPC MEETING AGENDA: A copy of the EPC agenda may be obtained by contacting: R&T Specialist, Doug Culbertson, (850)410-8618. If you wish to write the Commission for a copy of this issue, please write: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Doug Culbertson.

SPECIAL ACCOMMODATIONS: Pursuant with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting please advise the Department at least two weeks prior to the workshop by contacting: Doug Culbertson, (850)410-8618 or TDD Number (850)656-9597.

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, March 17, 2005, 1:00 p.m. – 5:00 p.m.; Friday, March 18, 2005, 8:30 a.m. – 3:00 p.m.

PLACE: Sandestin Golf and Beach Resort (Bayside Inn), Bayside Ballroom (Salons E and F), 9300 Emerald Coast Parkway, West, Sandestin, Florida 32550-7268, 1(800)320-8115

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Violent Crime and Drug Control Council and any other interested individuals will meet to hear presentations and discuss issues relating to violent crime, and multi-agency or statewide drug control or illicit money laundering investigative or task force efforts.

A copy of the agenda may be obtained by writing: Government Analyst, Joyce Gainous-Harris, Florida Department of Law Enforcement, Division of Criminal Investigations and Forensic Science Services, Office of Statewide Intelligence, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-7096.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900, (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

**DEPARTMENT OF TRANSPORTATION**

The Florida **Seaport Transportation and Economic Development Council** announces a teleconference meeting of the Seaport Environmental Management Committee in which all interested persons are invited to participate.

DATE AND TIME: March 11, 2005, 10:00 a.m. – 12:00 Noon  
 PLACE: Call-In Number 1(888)422-7105, Participant Code 685692

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise: Toy Keller, (850)222-8028.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

The **Department of Highway Safety and Motor Vehicles, Division of Florida Highway Patrol** announces a public hearing, to which all persons are invited:

DATE AND TIME: March 17, 2005, 9:00 am.  
 PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Highway Safety and Motor Vehicles is requesting final approval from the Governor and Cabinet on the proposed rule amendment to Rule 15B-2, Speed Measuring Devices, F.A.C. The purpose of the proposed rule amendment is to revise department form HSMV 61070, Radar Speed Measuring Device Certification, to add a check off box for higher target speeds exceeding 100 miles per hour. The proposed rule amendment notice was advertised in the December 17, 2004, Florida Administrative Weekly, Vol. 30, No. 51.

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 special assistance.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**STATE BOARD OF ADMINISTRATION**

The **State Board of Administration** (SBA) announces a public meeting of the Investment Advisory Council (IAC) to which all persons are invited.

DATE AND TIME: Friday, March 18, 2005, 10:00 a.m.  
 PLACE: The Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Investment Advisory Council. The IAC is a six-member advisory council, which reviews the investments made by the staff of the State Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under Section 215.444, Florida Statutes.

In compliance with the Americans with Disabilities Act, anyone needing special accommodations to attend the meeting is requested to call James Linn, (850)413-1166, five days prior to the meeting so that appropriate arrangements can be made.

If you would like to have a copy of the agenda, please contact: Diane Bruce, State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308, (850)413-1253.

**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, March 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, March 9, 2005, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 16, 2005, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces the rescheduling of a prehearing from March 14, 2005 in Docket No.: 041272-EI – Petition for approval of storm cost recovery clause for recovery of extraordinary expenditures related to Hurricanes Charley, Frances, Jeanne, and Ivan, by Progress Energy Florida, Inc.

DATE AND TIME: March 18, 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 a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 040130-TP – Joint petition by NewSouth Communications Corp., NuVox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and Xspedius Communications, LLC, on behalf of its operating subsidiaries Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Jacksonville, LLC, for arbitration of certain issues arising in negotiation of interconnection agreement with BellSouth Telecommunications, Inc.

DATES AND TIME: March 22-25, 2005, 9:30 a.m.  
 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 joint petition by NewSouth Communications Corp., NuVox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and Xspedius Communications, LLC, on behalf of its operating subsidiaries Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Jacksonville, LLC, for arbitration of certain issues arising in negotiation of interconnection agreement with BellSouth Telecommunications, Inc., 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 March 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).

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.  
 DOCKET NO. 041145-WU – Application for staff-assisted rate case in Pasco County by Holiday Utility Company, Inc.  
 DATE AND TIME: Wednesday, March 30, 2005, 6:00 p.m.  
 PLACE: West Pasco Government Center, County Commission Board Room, Suite 160, 7530 Little Road, New Port Richey, Florida 34654  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To give customers and other interested persons an opportunity to offer comments regarding the quality of service the Utility provides, the proposed rate increase, and to ask questions and comment on other issues.  
 Any person requiring some accommodation at the customer 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 meeting. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD). One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

**EXECUTIVE OFFICE OF THE GOVERNOR**  
 The **Office of Film and Entertainment** and the **Florida Film Advisory Council** will convene in a quarterly meeting. This is a public meeting to which all persons are invited.  
 DATE AND TIME: Tuesday, March 22, 2005, 1:00 p.m – 5:00 p.m.  
 PLACE: The Capitol, 400 South Monroe Street, Tallahassee, FL 32399, (877)352-3456  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general administrative matters of the Advisory Council.  
 A copy of the agenda may be obtained by writing: Heather Brown, Executive Assistant, The Office of Film and Entertainment, State of Florida, Executive Office of the Governor, Suite 2002, The Capitol, Tallahassee, Florida 32399-0001, (850)410-4765.  
 Should any person wish to appeal any decision made with respect to the above referenced meeting, 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 Commission at least 48 hours prior to the meeting in order to request any special assistance.

The **Governor’s Commission on Volunteerism and Community Service**, Volunteer Florida, Legislative Committee is pleased to announce a meeting to which all persons are invited.  
 DATES AND TIME: March 8-9, 2005, 9:00 a.m. – 5:00 p.m. daily  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Commissioners will be visiting with members of the Florida Congressional Delegation in Washington DC to update them on AmeriCorps programs and other volunteer initiatives in Florida.  
 Please contact Gwen Erwin, (850)921-5172, for an agenda.  
 If you require a reasonable accommodatin to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

The **Governor’s Commission on Volunteerism and Community Service**, Volunteer Florida, Grants Committee is pleased to announce a conference call to which all persons are invited.  
 DATE AND TIME: Tuesday, March 15, 2005, 2:00 p.m. (Please call (850)921-5172 for call-in number and pass-code)  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and approval of the Emergency Prevention and Readiness Outreach grant proposals.  
 Please contact Gwen Erwin, (850)921-5172, for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

**REGIONAL PLANNING COUNCILS**

The **North Central Florida Regional Hazardous Materials Response Team** announces a meeting to which all persons are invited.

DATE AND TIME: March 25, 2005, 9:30 a.m.  
 PLACE: North Central Florida Regional Planning Council Office, 2009 N. W. 67 Place, Suite A, Gainesville, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Hazardous Materials Response Team Policy Board.

Any persons deciding to appeal any decision of the Team with respect to any matter considered at the meeting, may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, March 17, 2005, 7:00 p.m.  
 PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: March 17, 2005, 9:30 a.m.  
 PLACE: Labelle Civic Center, behind Labelle City Hall, 481 Hickpoochee Avenue, Labelle, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Regional Planning Council.

A copy of the proposed agenda may be obtained by writing: Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL 33901.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

All Council Subcommittee meetings will immediately follow the Council meeting.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. David Burr, (239)338-2550, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Burr using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: March 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 Florida District X, **Local Emergency Planning Committee** announces the following meeting to which all persons are invited.

DATE AND TIME: March 31, 2005, 10:00 a.m.  
 PLACE: Wolf High – Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X, Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Florida District X LEPC with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he 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.

**WATER MANAGEMENT DISTRICTS**

The **St. Johns River Water Management District** announces a Northern Region Recreation Advisory Council Meeting to which all persons are invited.

MEETING: Northern Region Recreation Advisory Council  
 DATE AND TIME: Tuesday, March 15, 2005, 9:30 a.m. – 12:00 Noon

PLACE: Welaka State Forest Conference Room, 794 County Road 309, Welaka, FL

TOUR: Management Review Team Tour  
 DATE AND TIME: Tuesday, March 15, 2005, 12:30 p.m.

PLACE: Lake George Conservation Area  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To review land management and land acquisition activities in the Northern Region.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD), at least five work days before the date of the meeting.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting to which all interested persons are invited:

CITRUS/HERNANDO WATERWAYS RESTORATION COUNCIL AND THE HERNANDO COUNTY WEEKI WACHEE RIVER AND SPRINGS TASK FORCE

DATE AND TIME: Monday, March 14, 2005, 5:00 p.m.  
 PLACE: SWFWMD Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organizational meeting for election of officers and discussion of Council business followed by organizational meeting for election of officers and discussion of Task Force business.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida), or (352)796-7211, Extension 4226, Fax (352)797-5806, TDD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces a public meeting, hearing or workshop to which all persons are invited.

DATE AND TIME: Tuesday, March 15, 2005, 6:30 p.m.  
 PLACE: District Headquarters, 2379 Broad Street, Brooksville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Solicit Public Input.

Some members of the District’s Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing: 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.

**LAND AND WATER ADJUDICATORY COMMISSION**

The Florida **Land and Water Adjudicatory Commission** announces a meeting to which all persons are invited.

DATE AND TIME: March 17, 2005, 9:00 a.m.  
 PLACE: Cabinet Meeting Room (Room LL-03), The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a regularly scheduled Cabinet meeting. The Florida Land and Water Adjudicatory Commission will consider adoption of proposed Rule Chapter 42YY-1, F.A.C., Hawk’s Haven Community Development District. Proposed Rules 42YY-1.001, 42YY-1.002, and 42YY-1.003, F.A.C., addressing the establishment, boundaries and supervisors of



the Hawk's Haven Community Development District, were published in the Florida Administrative Weekly on January 28, 2005, (Vol. 31, No. 4).

For more information about the Cabinet meeting agenda, copies of the proposed rules, or for information concerning special accommodations because of a disability or physical impairment, please contact: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

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### REGIONAL UTILITY AUTHORITIES

The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular March monthly board meeting as scheduled. This is a public meeting to which all persons are invited:

DATE AND TIME: March 16, 2005, 4:30 p.m.

PLACE: Sumter County Courthouse, Commission Meeting Room 222, 209 N. Florida Street, Bushnell, FL 33513

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, Florida 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

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### FLORIDA SPACE AUTHORITY

The **Florida Space Authority** announces a Board of Supervisors meeting to which the public is invited.

DATE AND TIME: March 22, 2005, 10:00 a.m. – 12:10 p.m. (EST)

PLACE: Florida Department of Transportation, Executive Conference Room, 5th Floor, 605 Suwannee Street, Tallahassee, Florida 32399-0450

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will discuss the status of Authority programs in the areas of business development, space transportation and planning, construction and facilities, education, policy coordination and any other administrative issues that may need to be considered relating to the business of the Authority and other state agencies.

For more information, contact: Margo Witcher, (321)730-5301, Ext. 1105.

To obtain a copy of the agenda, write: Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003, or website: [www.floridaspaceauthority.com](http://www.floridaspaceauthority.com).

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact Florida Space Authority at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Board of Supervisors with respect to any matter considered at the above cited meeting or hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

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### DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a public meeting to which all persons are invited:

SHINE (Serving Health Insurance Needs of Elders) Regional Meeting (Volunteer Recognition and Program Trainings)

DATES AND TIMES: Monday, March 14, 2005, 2:00 p.m. – Wednesday, March 16, 2005, 3:00 p.m.

PLACE: Best Western, 1200 North Westshore Boulevard, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To recognize SHINE Volunteers and provide Educational Training for SHINE Program Volunteers.

A copy of the agenda may be obtained by contacting: Shelia Kilpatrick, (850)414-2060.

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The **Department of Elder Affairs** announces a public meeting to which all persons are invited:

SHINE (Serving Health Insurance Needs of Elders) Regional Meeting (Volunteer Recognition and Program Trainings)

DATES AND TIMES: Tuesday, March 29, 2005, 2:00 p.m. – Thursday, March 31, 2005, 3:00 p.m.

PLACE: Ocean Hammock Resort, 300 Clubhouse Drive, Palm Coast, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To recognize SHINE Volunteers and provide Educational Training for SHINE Program Volunteers.

A copy of the agenda may be obtained by contacting: Shelia Kilpatrick, (850)414-2060.

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The **Department of Elder Affairs** announces a public meeting to which all persons are invited:

SHINE (Serving Health Insurance Needs of Elders) Regional Meeting (Volunteer Recognition and Program Trainings)

DATES AND TIMES: Monday, April 25, 2005, 2:00 p.m. – Wednesday, April 27, 2005, 3:00 p.m.

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To recognized SHINE Volunteers and provide Educational Training for SHINE Program Volunteers.

A copy of the agenda may be obtained by contacting: Shelia Kilpatrick, (850)414-2060.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

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.

DATES AND TIME: March 11, 2005; March 18, 2005, 1:30 p.m. – 3:30 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 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.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda has not been set. Contact Edwin Stephens, (850)413-8067, Suncom 294-8067, with any questions or to obtain an agenda when it is set.

**DEPARTMENT OF MANAGEMENT SERVICES**

The State of Florida, **State Technology Office** announces a Chief Information Officer (CIO) Council Meeting to which all persons are invited.

DATE AND TIME: Monday, March 21, 2005, 10:00 a.m. – 12:00 Noon

PLACE: Conference Room 166, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Elaine Womble, (850)922-2680, e-mail: Elaine.womble@myflorida.com.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Florida **Board of Architecture and Interior Design** announces the following meeting which all persons are invited to attend.

DATE AND TIME: March 30, 2005, 9:00 a.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business: discussion items include – architecture profession, interior design profession, rules and review of applications.

DATE AND TIME: March 31, 2005, 9:00 a.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida 32259, 1(800)648-1888

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St. Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Auctioneers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 22, 2005, 10:00 a.m. (EST)

PLACE: Hyatt Regency, Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business for the Board of Auctioneers.

A copy of the agenda may be obtained by writing: The Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)922-5012.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting (850)922-5012. If you are hearing and speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

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The Florida **Board of Funeral Directors and Embalmers** announces the following meeting, to be held by telephone conference call, which all persons are invited to attend.

DATE AND TIME: March 15, 2005, 10:00 a.m. (EST)

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, Toll free 1(888)461-8118 (outside of Tallahassee), direct (850)414-5775, Suncom 994-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Funeral Directors and Embalmers, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Pilot Commissioners** announces the following meetings, to which all persons are invited to attend.

DATE AND TIME: April 7, 2005, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance Committee Meeting and Rules Committee Meeting immediately followed by Probable Cause Panel meeting, which portions may be closed to the public.

DATE AND TIME: April 8, 2005, 9:00 a.m.

PLACE: Hampton Inn & Suites, 19 Second Street, Fernandina Beach, FL 32034

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-5012, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Professional Engineers** announces a public meeting of the Continuing Education Committee to which all persons are invited.

DATE AND TIME: Wednesday, March 16, 2005, 1:30 p.m. – conclusion of meeting

PLACE: Ramada Inn & Conference Center, Oxford Room, 2900 North Monroe Street, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion on continuing education and rules.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

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 Board at least forty-eight (48) hours before the meeting by contacting: Paul J. Martin, (850)521-0500.

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The **Board of Professional Geologists** announces a General Business Meeting to which all interested parties are invited to attend.

General Business Meeting

DATES AND TIMES: April 28, 2005, 1:00 p.m.; April 29, 2005, 9:00 a.m.

PLACE: Wyndham Reach Resort, 1500 Reynolds Street, Key West, Florida 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Board Business.

A copy of the agenda may be obtained by writing: John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact John Knap by Tuesday, April 26, 2005.

The **Board of Professional Surveyors and Mappers** announces a Probation Review Committee, Continuing Education Committee, Application Review Committee, Privatization Committee, Rules Workshop, and a General Business Meeting. All interested parties are invited to attend at the address listed below.

DATES AND TIMES: April 13, 2005, 8:30 a.m. (Continuing Education Committee meeting followed by a Application Review Committee meeting, followed by a Privatization Committee meeting, followed by a Rules Workshop followed by a General Business Meeting, if time allows.); April 14, 2005, 8:00 a.m. (Probation Review Committee meeting followed by a General Business meeting.)

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

A copy of the agenda may be obtained by writing: John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756, (850)487-1395.

Persons decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact John Knap by Monday, April 11, 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 HEALTH**

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 p.m.

PLACE: Contact Florida Board of Medicine, (850)245-4131 for the meet me number

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**, North Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: March 14, 2005, 5:30 p.m.

PLACE: Department of Health, Tallahassee, Meet Me Number (850)921-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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The Florida **Emergency Medical Services Advisory Council** announces a telephone conference call to which all interested persons are invited to participate.

DATE AND TIME: March 4, 2005, 2:00 p.m. – 3:00 p.m. (EST)

PLACE: Florida Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399, Via meet me number 1(800)647-7427

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council. Any other related issues will also be discussed.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Bureau of Emergency Medical Services, (850)245-4440, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For further information, write: Desi Lassiter, 4052 Bald Cypress Way, Bin #C18 (HEMS), Tallahassee, Florida 32399-4881, (850)245-4055.

P.O. # D029262

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## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District 15, Shared Services Alliance of Okeechobee and the Treasure Coast announces the following public meeting to which all persons are invited:

Executive Committee:

DATE AND TIME: March 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 **Department of Children and Family Services**, District 15, Shared Services Alliance of Okeechobee and the Treasure Coast announces the following public meeting to which all persons are invited.

ALLIANCE MEETING

DATE AND TIME: March 25, 2005, 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).

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## FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces the following Review Committee meetings to which all persons are invited to attend.

DATES AND TIMES: Monday, March 21, 2005, 2:00 p.m. (EST); Thursday, March 24, 2005, 2:00 p.m. (EST) (this meeting was originally noticed for Friday, March 25, 2005)

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of responses submitted for Florida Housing Finance Corporation's Request for Proposals #2004-12 for the Development of Housing for Persons with Physical, Mental, or Developmental Disabilities.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, Contracts Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida 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 Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

## FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a public meeting of the Blue Crab Advisory Board, to which all interested persons are invited:

DATE AND TIME: March 14, 2005, 9:00 a.m. – 5:00 p.m.

PLACE: Hilton-Ocala, 3600 S. W. 36th Avenue, Ocala, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Blue Crab Advisory Board of the Fish and Wildlife Conservation Commission will convene to discuss possible options for a blue crab management plan and consider what recommendations to make in that regard to the Commission.

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

For further information, contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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The Florida **Fish and Wildlife Conservation Commission** (FWC), Division of Law Enforcement announces the following public workshops regarding amendments to Rule 68D-23, F.A.C.

DATE AND TIME: Wednesday, March 30, 2005, 2:00 p.m. – 5:00 p.m.

PLACE: Farris Bryant Building, Auditorium (Room 272), 620 South Meridian Street, Tallahassee, Florida

DATE AND TIME: Wednesday, April 6, 2005, 6:00 p.m. – 8:30 p.m.

PLACE: Clarion Tampa Westshore, 5303 West Kennedy Blvd., Tampa, Florida

DATE AND TIME: Thursday, April 7, 2005, 6:00 p.m. – 8:30 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, South Region Office, Everglades Room, 8535 Northlake Boulevard, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed changes to rules within this chapter are to: (1) correct and update statutory cross-references that have been changed since the current rule was promulgated in 2001; (2) improve clarity and consistency of language and definitions; (3) remove or revise obsolete provisions and cross-references; and (4) respond to requests for revisions received from stakeholders and from other governmental entities. The anticipated effects include the relaxation of certain reporting requirements and other reductions to the regulatory burden on permittees where

possible. Other anticipated effects include the provision to applicants of greater flexibility in the size of and messages displayed on waterway regulatory and information markers.

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

For further information, contact: Tara Alford, Farris Bryant Building, 620 South Meridian Street, Tallahassee, Florida, (850)410-0656, Ext. 17169.

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## VISIT FLORIDA

The **VISIT FLORIDA**, Board of Directors announces a public meeting as follows:

MEETING: Executive Committee

DATE AND TIME: March 7, 2005, 2:00 p.m.

PLACE: VISIT FLORIDA Corporate Offices, 661 East Jefferson Street, Tallahassee, FL 32301, (850)488-5607

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Strategic Plan and Sterling Council.

For further information contact: Susan Gale, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 334.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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The **VISIT FLORIDA**, Board of Directors announces a public meeting as follows:

MEETING: Promotions Committee

DATE AND TIME: March 10, 2005, 2:30 p.m.

PLACE: VISIT FLORIDA Corporate Office, 661 East Jefferson Street, Tallahassee, (850)488-5607

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide update on FY 04-05 Promotions programs and provide update on planning for FY 05-06 thus far.

For further information contact: Christi McCray, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 326.

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)

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**THE ABLE TRUST**

**The Able Trust** (Florida Endowment Foundation for Vocational Rehabilitation) will hold a Board Meeting to which all interested persons are invited to participate.

DATE AND TIME: Saturday, March 12, 2005, 9:00 a.m.

PLACE: Westin, 325 South Orange Avenue, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include approval of recommended Grants to assist Citizens with Disabilities in achieving employment.

For more information, special accommodations or alternative format request, please call: The Able Trust, (850)224-4493, 1(888)838-2253, by March 4, 2005.

**FLORIDA INDEPENDENT LIVING COUNCIL**

The **Florida Independent Living Council** announces the following meeting to which all interested persons are invited to participate.

MEETING: Full Council Meeting

DATES AND TIME: Wednesday-Friday, March 16-18, 2005, 9:00 a.m. (EST)

PLACE: Hampton Inn and Suites, 3388 Lonnbladh Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or toll free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to

ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

The **Florida Independent Living Council** announces the following meetings to which all interested persons are invited to participate.

MEETING: Bylaws Taskforce Meeting

DATE AND TIME: Tuesday, April 5, 2005, 1:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Personnel Taskforce Meeting

DATE AND TIME: Tuesday, April 5, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Planning Committee Meeting

DATE AND TIME: Wednesday, April 6, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Evaluation Committee Meeting

DATE AND TIME: Wednesday, April 6, 2005, 3:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Advocacy Committee Meeting

DATE AND TIME: Thursday, April 7, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Executive Committee Meeting

DATE AND TIME: Friday, April 8, 2005, 1:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Finance Committee Meeting

DATE AND TIME: Wednesday, April 13, 2005, 10:30 a.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Points Committee Meeting

DATE AND TIME: Wednesday, April 20, 2005, 10:00 a.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Advocacy Committee Meeting

DATE AND TIME: Thursday, April 21, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Development Committee Meeting

DATE AND TIME: Tuesday, April 26, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Outreach Committee Meeting

DATE AND TIME: Wednesday, April 26, 2005, 4:00 (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or toll free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

## SUNSHINE STATE ONE CALL OF FLORIDA

The **Sunshine State One Call of Florida**, Inc. (SSOCOF) announces its Board and Committee meetings to which all interested persons are invited. All meetings will be held at the SSOCOF call center, 11 Plantation Road, DeBary, FL 32713. Dress is business casual.

Committee Meetings

DATE AND TIME: March 17, 2005, 8:00 a.m.

8:00 a.m. – Operations Committee – Louis Panzer

- Review FY 2004/05 Monthly and YTD Call Center Statistics
- Disaster Recovery System Update
- Member Services Department Update
- Active Positive Response System Update
- Irth System Enhancement Update
- Mapping Database Project Update

- FDOT SUE Sponsorship Project Update
  - Lake Worth Drainage District Mapping Update
- 11:00 a.m. – Damage Prevention Committee – Tim McKeown
- Review Stratification Report for Damages Reported
  - Enforcement Pilot Project Status
  - Excavator Education CD Project Status
  - SSOCOF Locate Rodeo Sponsorship Project Update
  - Regional Damage Prevention Symposiums Update

12:00 Noon – Lunch – provided at call center for meeting participants and SSOCOF employees

1:00 p.m. – Executive Review Committee – Michael Borg

- Annual review for the Executive Director
- Review Proposed By Laws Change

1:45 p.m. – Finance Committee – David Wheeler

- Review FY 2004/05 Monthly and YTD Financial Reports
- Review Contracts Approved Report and Delinquent Account Write-Off Report
- Proposed FY 2005-06 Operating and Capital Budget
- Proposed Member Assessment Billing Methodology

3:30 p.m. – Break

3:45 p.m. – Nominating Ad Hoc Committee – Larry Batchelor

4:00 p.m. – Legislative Ad Hoc Committee – Michael Borg

- Call Before You Dig Month Campaign Update
- Legislative Top Five and Future Amendments

4:30 p.m. – IT Audit Ad Hoc Committee – Jeff Rodger

5:00 p.m. – Adjourn

Note: All committees should be prepared to commence if the previous committee finishes before allotted time. If a committee needs additional time, that time will be allotted after the last scheduled committee has met.

Board Meeting

DATE AND TIME: March 18, 2005, 8:00 a.m.

8:00 a.m. – Secretary's Report – Ed Misicka

- Roll Call
- Self Introductions
- Audience participation request
- Approval of November 19, 2004 Board Meeting Minutes and Approval of January 21, 2005 Board Meeting Agenda

8:15 a.m. – Consent Agenda – Michael Borg

8:30 a.m. – Executive Director's Report – Mark Sweet, Executive Director

8:45 a.m. – Trip Reports – Underground Safety, Orlando, FL

9:15 a.m. – Legal Report – Dave Erwin, General Counsel

10:00 a.m. – Committee Reports

- Operations Committee – Louis Panzer
- Storm Planning Ad Hoc Committee – Louis Panzer
- Damage Prevention Committee – Tim McKeown
- Finance Committee – Dave Wheeler
- Legislative Committee-Michael Borg
- IT Audit Committee – Jeff Rodger
- Executive/Executive Review Committee – Michael Borg



12:00 Noon – Lunch – provided at call center for meeting participants and SSOCOF employees  
 1:00 p.m. – Resume Committee Reports  
 3:00 p.m. – Open Discussion  
 4:00 p.m. – Problem Resolution  
 4:30 p.m. – Adjourn

Attention: Please deliver this to the primary contact for Sunshine State One-Call of Florida and/or someone who plays an active role in underground facility damage prevention. Persons requiring some accommodation at this meeting because of a physical impairment should call the one-call notification center, (386)575-2000, at least five calendar days prior to the activity. Any person who is hearing or speech impaired should contact the one-call notification center through the Florida Relay Center, 1(800)955-8771.

**WORKFORCE FLORIDA**

**Workforce Florida** announces a Board of Directors orientation meeting to which all persons are invited.  
 Board of Directors orientation meeting  
 DATE AND TIME: March 17, 2005, 9:30 a.m. – 2:30 p.m.  
 PLACE: Embassy Suites Hotel, Downtown Orlando, 191 E. Pine Street, Orlando, Florida 32801, (407)841-1000  
 For more information, contact: Peggy Dransfield, (850)921-1119.

**FLORIDA LEAGUE OF CITIES**

The **Florida Municipal Insurance Trust**, an interlocal entity created pursuant to Fla. Sta. 768.28 and 163.01, announces a public meeting to which all persons are invited.  
 DATES AND TIMES: Friday, March 18, 2005, 9:30 a.m.; Saturday, March 19, 2005, 9:00 a.m.  
 PLACE: Casa Monica Hotel, 95 Cordova Street, St Augustine, FL, (904)827-1888  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.  
 A copy of the proposed agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc., Tallahassee, FL, (850)222-9684.  
 If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is based.

**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on February 9, 2005, from Stephan Manufacturing regarding the composition of return air grills pursuant to Section 603.15, Florida Building Code, Mechanical Volume (2001 as amended 6/30/03).

It has been assigned the number DCA05-DEC-032.  
 A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on February 9, 2005, from Gresham Smith and Partners on behalf of Tampa International Airport regarding interpretation of the term “stand alone garage,” pursuant to Section 553.895, F.S., when the garage in question includes elevators, lobbies and toilet rooms.

It has been assigned the number DCA05-DEC-031.  
 A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on February 17, 2005, from Broward County Board of Rules and Appeals regarding whether a single wall separating a town home unit is required to be defined as an exterior wall subject to wind and water intrusion pursuant to Section 704.4.2, Florida Building Code, Building Volume (2001 as amended 6/30/03).

It has been assigned the number DCA05-DEC-038.  
 A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on February 10, 2005, from Collier County Fire Control & Rescue Districts regarding relative authority of a Fire Official and Building Official pursuant to Sections 553.73 and 553.79(2), F.S.

It has been assigned the number DCA05-DEC-035.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on February 11, 2005, from Florida Propane Gas Association regarding the application of Ch.13, Florida Building Code, Building Volume (2001 as amended 6/30/03) to tankless water heaters.

It has been assigned the number DCA05-DEC-034.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF 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 that on February 15, 2005, it received a Petition for Declaratory Statement filed by David Horenstein, Ph.D. The petition seeks the Board’s interpretation of Section 490.012(1)(a), Florida Statutes, and whether David Horenstein, Ph.D., a New York-licensed psychologist, now living in Florida, may continue his employment with the United States Government Social Security Administration, Office of Hearings and Appeals as an expert witness in the practice of psychology, without becoming licensed as a psychologist in Florida.

The Board will consider this petition at its meeting on April 22, 2005.

Copies of the petition may be obtained from: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3253.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

NOTICE IS HEREBY GIVEN that the Fish and Wildlife Conservation Commission received a Petition for Declaratory Statement on February 10, 2005, from Roy R. “Robin” Lewis, III. The petition seeks to agency’s opinion as to the applicability of Sections 327.331(1),(2),(3) and 253.05, F.S., as they apply to the Petitioner.

The petition asks whether certain conduct involving the operation of a vessel, if executed so as to damage seagrasses or cause a “prop scar,” constitutes reckless or careless operation of a vessel, in violation of Section 327.33, F.S., or violates the federal Navigation Rules as adopted under Section 327.33(3), F.S. The petition also asks whether the Commission has the duty or authority to prevent this conduct or report it to the Trustees of the Internal Improvement Trust Fund. Finally, the petition asks what authority or duty the Commission has to enforce locally enacted seagrass protection ordinances.

A copy of this petition may be obtained by writing: Captain Alan S. Richard, Assistant General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN that the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by Silk Oak, LLC., on February 15, 2005. The following is a summary of the agency’s disposition of the petition:

Question: Whether NFPA 501 and NFPA 501A, and specifically Subdivision 4-3.5.2, require mobile home parks that have been in existence prior to the adoption of such Standards by the State Fire Marshal to retrofit their entire communities with “fire hydrants every 500 ft”?

Response: No. The Petitioner may meet the requirements by complying with one of the three alternatives established in NFPA 501A, 1999 edition, Subdivision 4-3.5.1. Even if the Petitioner did not have the choice in Subdivision 4-3.5.1 of NFPA 501A, 1999 edition, the phrase “where provided” in Subdivision 4-3.5.2 of NFPA 501A-1999, means that where fire hydrants have been previously provided in the mobile home park they must be spaced within 500 feet of all homes and buildings or at approximately 1,000 foot intervals. It is not applicable to a situation such as this one in which there are no fire hydrants at all.

Question: Additionally, to what extent and how is the Park governed by NFPA 501 and NFPA 501A?

Response: NFPA 501 and 501A govern the mobile home park to the extent recited in this declaratory statement, and in all other respects, subject, however, to the provisions in the Florida Constitution, Chapter 633, Florida Statutes, and the applicable rules of the Department of Financial Services.

A copy of the order may be obtained from: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235, an unsigned but exact copy of the order is available on the Division of State Fire Marshal website: <http://www.fldfs.com/SFM/sfmdeclaratorysummaries.htm>.

### 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:**

Florida Medical Association, Inc. vs. Agency for Health Care Administration; Case No.: 05-0545RP; Rule No.: 59G-9.070

Florida Health Care Association, Inc. vs. Agency for Health Care Administration; Case No.: 05-0572RP; Rule No.: 59G-9.070

Florida Petroleum Marketers and Convenience Store Association vs. Department of Environmental Protection; Case No.: 05-0529RP; Rule No.: 62-770.220(3),(4)

Florida Academy of Cosmetic Surgery, Inc. vs. Department of Health, Board of Medicine; Case No.: 05-0402RX; 64B8-9.0092

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Goode “Buddy” Yeoman and Kenneth Gary Smith vs. Department of Business and Professional Regulation, Construction Industry Licensing Board; Case No.: 04-2414RX; Case No.: 61G4-12.006(2); Dismissed

Florida Pulp and Paper Association Environmental Affairs, Inc. and City of Sunrise vs. Department of Environmental Protection and St. Johns River Water Management District; Case No.: 03-0296RP; Rule No.: 62-40; Voluntary Dismissal

Florida Chiropractic Association, Inc. and Marc H. Kalmanson d/b/a Holistic Healthcare Consultants, Inc. vs. Department of Health, Division of Medical Quality Assurance, Board of Chiropractic Medicine and Board of Massage Therapy; Case No.: 04-3866RX; Rule Nos.: 64B2-13.004, 64B7-28.010; Voluntary Dismissal

A. Alexander Jacoby, M.D. vs. Department of Health, Board of Medicine; Case Nos.: 04-4571RX, 04-4398RU; Rule No.: 64B8-8.001(1),(2)(b); Dismissed

Howard Bourdages, M.D. vs. Department of Health, Board of Medicine; Case No.: 03-3530RX; Rule No.: 64B8-9.003(2); Dismissed

Mario R. Avello, M.D. vs. Department of Health, Board of Medicine; Case No.: 03-4247RX; Rule No.: 64B8-9.014; Withdrawn

James H. Busch vs. Department of Financial Services, Bureau of Fire Standards and Training and Florida Professional Firefighters, Inc.; Case No.: 04-3045RP; Rule No.: 69A-62; Dismissed

Reliance-Andrews Associates, Ltd. vs. Florida Housing Finance Corporation; Case No.: 04-3000RU; 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

#### NOTICE TO CONSTRUCTION MANAGERS

Florida State University announces that construction management services will be required for the project listed below:

Project No.: FS-280  
Project and Location: New Classroom Building,  
Main Campus  
Florida State University,  
Tallahassee, Florida

The project consists of the construction of a new general purpose classroom building to be constructed on the old Stulz pool site. Construction will include large auditorium/lecture hall spaces, large classroom spaces, small classrooms, computer labs, student waiting areas, and other associated support spaces.

The estimated construction cost is \$14,000,000.00.

The contract for construction management services may consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and development of the Guaranteed Maximum Price. The development of the GMP is planned at the completion of 50% Construction Documents. At the University's option, preconstruction services may be waived and a GMP may be developed upon completion of either the 50% or 100% Construction Documents. If the GMP is accepted, the construction phase (phase two) will be implemented. In the construction phase of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Minority Business Enterprises (MBEs). An early demolition package, foundation, steel structure, or other earlier bid packages may be included in the Construction Manager's scope of work. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; and qualifications of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the

building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard Florida State University's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

#### Instructions:

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Florida State University "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Florida State University Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained through the website at [www.fpc.fsu.edu](http://www.fpc.fsu.edu) or by contacting: Lynetta Mills, Facilities Design and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, (850)644-8351 facsimile.

For further information on the project, contact: Kim Ball, Project Manager, at the address and phone listed above.

Six bound copies of the required proposal data shall be submitted. Submittals must be received at the address listed above by 2:00 p.m., local time, on Tuesday, April 5, 2005. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

#### REQUEST FOR COMPETITIVE SOLICITATION

Sealed solicitation shall be received by the Florida State University purchasing Department until the dates and times shown for the following projects. Solicitation may be brought to the bid opening or sent to:

Purchasing Department  
 Suite A1400, University Center  
 Florida State University  
 Tallahassee, FL 32306-2370

prior to solicitation opening. Responder must reference solicitation number, opening date and time on outside of bid package to insure proper acceptance. Solicitation submitted by facsimile are not acceptable. For information relating to the Competitive Solicitation, contact the Purchasing Agent identified in the solicitation number.

K 4833-0: Liquid Helium Refrigerator  
 Public Bid  
 Opening: 11:00 a.m., Tuesday, March 1, 2005  
 Purchasing Department Conference Room  
 Suite A1400, University Center

**INVITATION TO BID**

The Florida State University, Facilities Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University  
 Facilities Maintenance, Purchasing  
 114F Mendenhall Building A  
 Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

Bid Number: FAC63-2005  
 Purchasing Agent: B.J. Lewis, Facilities  
 Public Bid Opening: March 21, 2005, 10:30 a.m.  
 FSU-Facilities Maintenance  
 116 Mendenhall Hall, Building A  
 Tallahassee, Florida 32306-4150  
 Facilities Maintenance Purchasing

Bid Documents: This contract has been established to provide Florida State University with Temporary Staffing Services on an as needed basis.

The minimum number of hours per person for each call is four (4).

The temporary services to be provided are defined below.

**ELECTRICIAN:** Performs tasks such as: Read and follow Electrical prints for construction and renovation tasks such as install conduit, pull lines, install panels as well as the day to day trouble shooting and repair of minor electrical problems such as replacing wall plugs, light fixtures, tripped breakers. Transportation and tools required.

**HELPER:** Performs tasks such as: Follow the written and oral instructions given by the attending Electrician.

**NOTICE TO PROFESSIONAL CONSULTANTS**

The University of South Florida announces that continuing professional services are required for the following discipline: Architecture (Up to 3) (Tampa Campus with ability to include other campuses as required).

Projects included in the scope of this agreement will be specific projects for renovations, alterations, new construction and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Continuing Service contracts for these projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1, 2005 to June 30, 2006. Award of contract is for an initial period of one (1) year with an Owner's option to renew for one (1) additional year. This selection is based upon architectural services only. Engineering services (mechanical, electrical, structural and civil) required for specific projects shall be provided as part of basic services through the selected architect(s) based upon project need. Use of USF continuing service engineers by the selected architect(s) shall be encouraged. The consultant(s) receiving the award will not have an exclusive contract to perform services for these projects. The University may have additional continuing service professionals under contract during the same time period. Blanket professional liability insurance shall be required for the contract. Services are required to provide computer drawings according to the standards of the University of South Florida, including computer record drawings reflecting as-built conditions to facilitate the University's space management program. The plans and specifications for University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Firms desiring to provide professional services shall submit one original submittal and five copies consisting of a letter of interest, a completed "USF Professional Qualifications Supplement" dated February 2005, and any required or additional information within the proposal limits as described in the PQS General Instructions. 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 properly chartered by the Florida Department of State to operate in Florida. Submittals must not exceed 40 pages, including the "USF Professional Qualifications Supplement" and letter of interest. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data may not be considered. No submittal material will be returned. Submittals become part of the public record.

Selection of finalists for interview will be made on the basis of professional qualifications, including, experience and ability, design ability, past performance, workload, volume of USF work, and location. As part of the University of South Florida's strategic plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, 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.

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.

The "USF Professional Qualifications Supplement dated February 2005" and Project Fact Sheet which includes project information may be obtained by contacting: Kathy Bennett, Contracts Administrator, University of South Florida, Facilities Planning and Construction, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, Phone (813)974-3098, (813)974-2625, Fax (813)974-3542, e-mail: kbennett@admin.usf.edu.

All interested firms are invited and encouraged to attend a Pre-Submittal Meeting to be held at 2:00 p.m., Eastern Time, on Tuesday, March 15, 2005, at the University of South Florida, Tampa Campus, Phyllis P. Marshall Center Room 271, 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 employees of University of South Florida except as provided at the Pre-Submittal meeting, the Pre-Interview meeting and the request for the PQS and Fact Sheet. Requests for any project information must be in writing to the above address.

One original and five bound copies of the above required proposal data shall be submitted to: Richard Lyttle, R.A., Division Head for Project Management, University of South Florida, Facilities Planning and Construction, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550. Applications that do not comply with the above instructions may be disqualified. Application materials will not be returned. Submittals must be received at the above campus address (4202 East Fowler Avenue, FPC110, Tampa, FL 33620-7550)

by 2:00 p.m., Eastern Time, on Monday, April 4, 2005. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered. The Selection Committee reserves the right to waive any irregularities and may reject all proposals and stop the selection process at any time.

#### Notice to Bidders

The School District of Lee County, Florida  
Department of Procurement Services

#### BID REQUEST FOR:

Opportunity and Special Buys for Food Products  
BID NO. B-056323CP

OPENING DATE: Tuesday, March 15, 2005, 2:00 p.m.

Request a bid package by:

Phone (239)479-4250, Fax (239)337-8200

In Person or Mail: 3308 Canal Street, Fort Myers, Florida  
33916-6594

Complete bid package available only upon request.

#### DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation has received an unsolicited proposal submitted under the Provisions of Section 334.30, Florida Statutes, Public-Private Transportation Facilities, referred to as the "I-95 Hotlanes Proposal." The proposal provides for a multi-phase Public-Private Partnership to plan, design, finance, and construct reversible Hotlanes in the I-95 corridor from I-395/SR 836 to south of the Ives Dairy Road interchange in Dade and Broward Counties, plus possible future additions and extensions, subject to revenue proceeds realized from the core project, and based upon future approvals by the Florida Department of Transportation and the Miami-Dade and Broward Counties MPOs.

Section 334.30, Florida Statutes, requires public notice to be provided after receipt of an unsolicited proposal, and that competing proposals be invited by the Department for a period of 60 days from the date of publication of the first notice, which 60 day period will be until 5:00 p.m., May 3, 2005.

The proposal was submitted by a large consortium of firms led by Tollroads of America, LLC, T.Y. Lin International, Bermello-Ajamil & Partners, APAC, State Contracting, Hypower, TransCore, Kimly-Horn, and Miller Consulting, among others.

A copy of the Proposal is available for public review and copying at 605 Suwannee Street, Room 430-A, Tallahassee, Florida, at no more than the cost of reproduction. More information is available from the Department's Office of Financial Development, (850)414-4464.

The Department has determined this unsolicited proposal sufficient for consideration on a preliminary basis and will accept other proposals for the same project purpose during this notification period. No final decision has been made relative to accepting this or any proposal relative to the implementation of

the proposed project. A final decision to construct any improvement on I-95 will only be made after extensive public involvement, Metropolitan Planning Organization (MPO) and local government input, and public hearing.

All firms that have an interest in submitting a competing proposal under the provisions of Section 334.30, Florida Statutes, are hereby invited to submit to the Secretary of Transportation a proposal in triplicate and with the required fee of \$50,000.00 (Rule 14-107.0011, Florida Administrative Code) within the time frame indicated above. Proposal will be evaluated with the "Draft Guidelines for Public-Private Transportation Facilities" and is available at <http://www.dot.state.fl.us/financialplanning/finance/p3.htm>.

Proposals not meeting the requirements of Section 334.30, Florida Statutes, will be rejected.

Address all proposals to: Florida Department of Transportation, 605 Suwannee Street, MS 57, Tallahassee, FL 32399-0450.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**REGIONAL PLANNING COUNCILS**

**REQUEST FOR LETTERS OF INTEREST**

The South Florida Regional Planning Council (SFRPC) requests Letters of Interests, Statements of Qualifications, and experience from professional underwriting firms with experience in underwriting commercial loans. Services will include, but not be limited to the assessment of historical and projected cash flow, working capital, liquidity, debt to equity and the overall stability of the business by comparing the historical financials of the business.

SOLICITATION NUMBER: RLF-0305

SOLICITATION NAME: South Florida Regional Planning Council Revolving Loan Program

DEADLINE FOR

SUBMISSION: Letter of Interest must be received by mail, facsimile or e-mail no later 3:00 p.m. Eastern Time, March 18, 2005.

Interested firms, individually or in partnership, are requested to indicate their interest in this project by submitting their Letter of Interest, Statement of Qualifications, and experience along

with cost of services. Please provide this information in a sealed package marked on the outside "Letter of Interest-SFRPC-RLF", addressed to: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021, Fax (954)985-4417, e-mail: [cherylc@sfrpc.com](mailto:cherylc@sfrpc.com).

Interested firms may contact Cheryl Cook, Economic Development Specialist, (954)985-4416, to obtain a Letter of Interest package.

The SFRPC reserves the right to reject any and all proposals, to waive any and all information or irregularities, and to accept or reject all or any part of the proposal as they may deem to be in the best interest of the citizens of the South Florida Region and as they may affect this project.

**DEPARTMENT OF MANAGEMENT SERVICES**

**PUBLIC ANNOUNCEMENT FOR POLLUTION FUEL STORAGE TANK CONTRACTING SERVICES**

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction, requests qualifications from Pollution Storage Tank Contractors to provide fuel storage tanks, piping, electronic monitoring systems, repairs and maintenance, associated installation and removal services and to provide contracting services in the Florida North and South Regions combined, (which includes all counties in the State of Florida).

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Facilities Management and Building Construction." [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

**PUBLIC ANNOUNCEMENT FOR RE-ADVERTISEMENT FOR BIDS**

Proposals are requested from Qualified Marine Contractors by The Florida Department of Management Services, Division of Facilities Management and Building Construction hereinafter referred to as Owner, for the construction of:

PROJECT NO.: DOS-21070000

PROJECT NAME & LOCATION: Miami River Seawall Replacement at Brickell Point, Site of the Miami Circle for the Department of State, Division of Historical Resources.

ESTIMATED CONSTRUCTION COST: \$400,000.00

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Facilities Management and Building Construction." [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

**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."

**GULF COAST WORKFORCE BOARD****REQUEST FOR PROPOSALS**

The Gulf Coast Workforce Board announces the availability of the following Request for Proposals (RFP) titles: "Request for Proposal for Workforce Development Services – Workforce Center Operator;" "Request for Proposal for Workforce Investment Act Services – In-school Youth Ages 14-18;" "Request for Proposal for Workforce Investment Act Services – Out-of-school Youth Ages 18-21;" "Request for Proposal for Workforce Development Services – Career Management for Participants in Classroom-Based Occupational Skills Training Services;" and "Request for Proposal for Workforce Development Services – Welfare Transition Service Provider." The purpose of these RFPs is to solicit proposals from organizations or groups of organizations that are interested in becoming providers of various Welfare Reform and Workforce Development services to our job seeker and employer customers in Bay, Franklin and Gulf counties. Such services include: Labor exchange services, job placement assistance; specialized services to veterans, food stamp recipients, TANF recipients; general services required of the One Stop Operator as described in Public Law 105-220 Sections 121, 134 (d) (2) and (3).

The Board is seeking proposals from organizations capable of providing these services as expeditiously as possible and with the administrative capabilities to manage a complex system, and who have the ability to work closely with required One Stop Partners.

To obtain an RFP, or for further information, contact:

Gulf Coast Workforce Board  
5230 West US Highway 98  
Panama City, FL 32401  
(850)913-3285  
1(800)311-3685, Ext. 3285  
(850)913-3269 Fax

Minority businesses are encouraged to apply. The Workforce Investment Act is an Equal Opportunity Employer. Program and auxiliary aids and services are available upon request to individuals with disabilities.

**TOWN OF OTTER CREEK**

The Town of Otter Creek requests bids on a 2000 or newer Heavy Duty 3/4 ton 4 X 4 pick-up truck with 50,000 miles or less on it. Mail bids to "Sealed Bids," Town of Otter Creek, P. O. Box 65, Otter Creek, FL 32683-0065 or hand deliver to 555 S. W. 2nd Ave., Otter Creek (call for hours (352)486-4413). Bids must be received by 7:00 p.m. on 3/21/05. We reserve the right to reject any/or all bids.

**FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL****ADDENDUM  
(RFP 2005-IP-1900)**

The Florida Developmental Disabilities Council (FDDC) announces a clarification of the Consumers and Families Leadership Development Assistance Request for Proposal (RFP) 2005-IP-1900 issued February 18, 2005. The Consumers and Families Leadership Development Assistance RFP 2005-IP-1900 is being issued by FDDC to a grantee that will administer the funding for individuals with developmental disabilities and their family members residing in Florida to participate in conferences, training events, public forums, focus groups, committees, task forces, hearings and other similar forums where they can obtain information; become aware of effective practices; learn about laws, policies, and issues; receive training and technical assistance; and develop leadership and other needed skills to participate more meaningfully in decisions that affect their lives. The amount of funds available for this RFP will be approximately \$50,000.

Copies of the RFP can be downloaded from the FDDC website ([www.fddc.org](http://www.fddc.org)) or copies may be requested by writing or calling FDDC, 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301, (850)488-4180 or Toll Free 1(800)580-7801 or TDD toll free 1(888)488-8633. Register for electronic (email) notice of future FDDC Invitations to Negotiate (ITN) or RFPs by going to the website ([www.fddc.org](http://www.fddc.org)) and click on the "RFP/ITN" button near the top of the page. Then, click on the "Sign up" line and follow the instructions.

The deadline for submitting written questions for RFP 2005-IP-1900 is 4:00 p.m. (EST) on March 18, 2005. The answers to the written questions will be posted on the FDDC website on or before March 28, 2005. The deadline for submitting letters of intent is 4:00 p.m. (EST) on March 18, 2005. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by e-mail will not be accepted. The deadline for submitting proposals is 4:00 p.m. (DST) on April 25, 2005.



**FLORIDA COMPREHENSIVE HEALTH ASSOCIATION**

To all Health Insurers, Third Party Administrators, Preferred Provider Organizations, Health Maintenance Organizations and Case Management Companies Licensed or Authorized to Transact Business in the State of Florida:

Selection of an Administrator (or Administrators) for the Florida Comprehensive Health Association

The Florida Comprehensive Health Association was created in 1990 by amendment of Section 627.6488, F.S. This legislation created a legal non-profit entity (the Association) for the purpose of providing health insurance for each eligible Florida resident applying to the Association for coverage. During periods of open enrollment, a person is considered eligible for Association coverage upon showing that he or she has been rejected for coverage without material underwriting restrictions by two carriers, at a rate equal to or less than the Association plan rate.

The Association exercises its powers through a three-member Board of Directors, all appointed by the Chief Financial Officer.

As required by the statute, the Board of Directors is in the process of selecting a plan Administrator (or Administrators) for a three-year period. The current three-year administrative agreement ends as of December 31, 2005. The current Administrator is: Cadent Underwriters, 100 1st Avenue, South, St. Petersburg, Florida 33701.

The Administrator(s) will be selected by the Board in a competitive bidding process using criteria established by the Board. Such criteria will include, but are not limited to:

1. The Administrator’s proven ability to administer any or all of the following: health insurance, a preferred provider network, a health maintenance organization, and a cost containment program.
2. The efficiency and flexibility of the Administrator’s premium billing and claims paying systems and procedures.
3. The ability to work with managed care networks, cost containment programs and with other administrators of this program.
4. Estimates of the total charges for administration of all or part of the plan’s activities.

The Administrator(s) selected by the Board will execute a contract with the Association and provide all necessary services and assistance as specified within the Request for Proposal. The Association may select different Administrators to administer different aspects of the Association plan. Companies responding to the Request for Proposal may bid separately for the various elements of the plan or for the administration of the total plan. Section 627.6488, F.S., allows the Board of Directors to contract with insurance companies, third party administrators, preferred provider organizations,

health maintenance organizations, case management companies, and other cost containment programs to administer the Association plan in the most cost-effective manner possible.

All requests for a copy of the Request for Proposal must be received by the FCHA at its office by 5:00 p.m. EST on March 11, 2005. Your request must include a contact name, address and email address.

Your request for a copy of the RFP must be in writing. You may send a written request to:

Michelle Robleto, Executive Director  
 Florida Comprehensive Health Association  
 1210 East Park Avenue  
 Tallahassee, FL 32301

Requests for copies of the Request for Proposal may also be sent via fax to the FCHA, (850)309-1222.

Other important dates in the procurement schedule for the RFP are:

Event	Deadline
Advertisement of RFP	February 25, 2005 – March 4, 2005
FCHA receipt of request for RFP	March 11, 2005
Release of RFP	March 14, 2005
FCHA receipt of Intent to Respond to (RFP non-binding)	April 1, 2005
FCHA receipt of written questions regarding RFP	April 8, 2005
FCHA receipt of Proposal Submissions	May 2, 2005
On-site reviews / Oral presentations	May 3, 2005 – June 30, 2005
Cost negotiations and proposal evaluations	May 3, 2005 – June 30, 2005
Contract award date	July 1, 2005
Operational date for selected Administrator(s)	January 1, 2006

**FLORIDA WORKERS’ COMPENSATION JOINT UNDERWRITING ASSOCIATION**

Notice of Request for Proposals for Policy Administration Services to be Provided to the Florida Workers’ Compensation Joint Underwriting Association, Inc. (FWCJUA)

The FWCJUA is requesting proposals to provide policy administration services including managed care. Proposals will be accepted for either (1) a single entity to provide policy administration services, including managed care services; or (2) policy administration, including managed care services, to be provided by two or more entities submitting a single proposal, in which case the proposal must identify a single entity which will act as the primary service provider. The FWCJUA is not requesting, nor will it accept, proposals to provide anything other than complete policy administration services, including managed care services.

Policy administration services include, but are not limited to, the issuance of policies and appropriate endorsements; premium billing and collection; auditing; claims management, including managed care services; loss control and safety

engineering; fraud investigation and prevention; financial and statistical data reporting; and customer satisfaction services. Managed care services include, but are not limited to, medical management and disability management.

The FWCJUA will only consider proposals to provide services for (1) 50 percent of the policies issued by or on behalf of the FWCJUA or (2) 100 percent of the policies issued by or on behalf of the FWCJUA. Thus, the FWCJUA will select either one or two service providers.

An entity proposing to provide policy administration services, either by itself or as part of a group of entities submitting a single proposal, must either be (1) an insurer authorized to write workers' compensation and employers liability insurance in Florida, pursuant to Chapter 624, Florida Statutes, whether domestic or foreign; (2) a commercial self-insurance fund organized pursuant to Section 624.462, Florida Statutes; (3) a group self-insurance fund authorized by Section 624.4621, Florida Statutes; (4) an assessable mutual insurer authorized by Section 628.6011, Florida Statutes; or (5) a management company, service company, or administrator, authorized by the Florida Office of Insurance Regulation, to provide workers' compensation administrative services to assessable mutual insurers, commercial self-insurance funds, group self-insurance funds, or individual self-insureds.

The FWCJUA is not an agency of the State of Florida. Accordingly, the RFP process is not governed by the contracting procedures applicable to state agencies, as provided by Florida law. Any entity which submits a proposal, either by itself or as part of a group of entities submitting a single proposal, must expressly acknowledge in its proposal its understanding that the contracting procedure requirements which apply to state agencies do not apply to the FWCJUA.

Interested parties may obtain a copy of the request for proposals on or after March 21, 2005, by submitting a written request to Laura Torrence, Executive Director, FWCJUA, P. O. Box 48957, Sarasota, FL 34230. Written requests for copies of the request for proposals may be sent by United States Mail or facsimile (941)552-5253. Responses to the request for proposals will be due at 4:00 p.m., ET, May 9, 2005.

**Section XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No.: DCA05-OR-036  
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 040-2004

**FINAL ORDER**

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

**FINDINGS OF FACT**

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On January 13, 2005, the Department received for review Monroe County Ordinance No. 040-2004 which was adopted by the Monroe County Board of County Commissioners on December 15, 2004 ("Ord. 040-2004").

3. The purpose of Ord. 040-2004 is to repeal Ordinance 019-2004, and amend Sections 9.5-119 and 9.5-346, Monroe County Code; revise requirements for the restoration of lands cleared without benefit of a permit or beyond the scope of a permit; delete transplantation requirements and substitute with requirements for payment into the Monroe County Environmental Land Management and Restoration Fund.

4. Ord. 040-2004 is consistent with the County's 2010 Comprehensive Plan.

**CONCLUSIONS OF LAW**

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004).

6. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2004) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2004). The regulations adopted by Ord. 040-2004 are land development regulations.

8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

9. Ord. 040-2004 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(b) Protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pine lands), dune ridges and beaches, wildlife, and their habitat.

10. Ord. 040-2004 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 040-2004 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_  
 Valerie J. Hubbard, Director  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 23rd day of February, 2005.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Murray Nelson
Mayor of Monroe County
500 Whitehead Street, Suite 102
Key West, Florida 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

DCA Final Order No.: DCA05-OR-039

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND DEVELOPMENT
REGULATIONS ADOPTED BY
ORDINANCE NO. 2005-01

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.

2. On January 26, 2005, the Department received for review City of Marathon Ordinance No. 2004-15 that was adopted by the City of Marathon Board of City Commissioners on January 25, 2005 ("Ord. 2005-01"). Ord. 2005-01 amends the Residential Rate of Growth Regulations set fort at Section 9.5-122, Section 9.5-123, Section 9.5-124, and Section 9.5-125 of the City of Marathon Code.

3. The purpose of Ord. 2005-01 is to change the Residential Rate of Growth Ordinance (ROGO) regulations allocation period from a quarterly period to a thrice-annual period of four months.

4. Ord. 2005-01 is consistent with the City's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004).

6. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2004) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2004). The regulations adopted by Ord. 2005-01 are land development regulations.

8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

9. Ord. 2005-01 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

10. Ord. 2005-01 is not inconsistent with the remaining Principles. Ord. 2005-01 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2005-01 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, Director
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE.

A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 23rd day of February, 2005.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable John Bartus, Mayor  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

Cindy Ecklund, City Clerk  
City of Marathon  
10045-55 Overseas Highway  
Marathon, Florida 33050

Mike Puto  
Acting City Manager  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

John Herin, Esq.  
 Stearns Weaver Miller Weissler  
 Alhadef & Sitterson, P.A.  
 Suite 2200 Museum Tower  
 150 West Flagler Street  
 Miami, Florida 33130

**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, Exotix Cycle & Motor Werx Inc., intends to allow the establishment of RP Custom, Inc., as a dealership for the sale of Exotix Cycles, at 8143 Ulmerton Road, Largo (Pinellas County), Florida 33771, on or after January 14, 2005.

The name and address of the dealer operator(s) and principal investor(s) of RP Custom, Inc., are dealer operator: John Nolan, 8143 Ulmerton Road Largo, Florida 33771; principal investor(s): Paul Vasquez, 8143 Ulmerton Road, Largo, Florida 33771.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: John T. Barontini, CEO, Exotix Cycle & Motor Werx, Inc., 640 Kane Court Suite #B, Oviedo, Florida 32765.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

CERTIFICATE OF NEED  
 EXEMPTIONS

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Broward District: 10  
 ID # 0400016 Decision: A Issue Date: 2/21/2005  
 Facility/Project: Memorial Hospital West  
 Applicant: South Broward Hospital District  
 Project Description: Provision of emergency adult percutaneous coronary interventions  
 Proposed Project Cost: \$5,154,838

County: Orange District: 7  
 ID # 0400021 Decision: A Issue Date: 2/16/2005  
 Facility/Project: Sunbelt HealthCare & Subacute Center Orlando  
 Applicant: Rollins Bedford Corporation  
 Project Description: Construct a replacement skilled nursing facility within one mile of the existing site  
 Proposed Project Cost: \$15,700,000

**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 new policy for review and comment on MyFlorida.com at:

[http://www.djj.state.fl.us/DJJServices/Administration/policies\\_procedures/policyreview.shtml](http://www.djj.state.fl.us/DJJServices/Administration/policies_procedures/policyreview.shtml)

Meritorious Service Awards Program (department-wide policy type A) – replaces an existing policy (DJJ Savings Sharing and Agency Incentive and Savings Program – FDJJ 1600) with one that covers that awards program as well several other newer ones. The policy is intended to acknowledge and reward those employees who demonstrate exceptional contributions in

improving the operations and procedures of the Department and those who demonstrate satisfactory service with the Department and/or state.

The policy is posted for a single 20 working day review and comment period. The closure date for submission of comments on this policy is March 31, 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.

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#### DEPARTMENT OF HEALTH

On February 21, 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 Samuel Tusin Adams, III, M.D., license number M.D. 42377. 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.

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On February 22, 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 Magalie Jean, CNA, certificate number 9000001133. 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.

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On February 22, 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 Bose Yalamanchi, number ME 40693. 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.

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On February 22, 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 Arlene Martone, M.D., license number ME 75098. 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.

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On February 21, 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 Theresa Ibler, R.N., license number RN 1916282. 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.

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On February 18, 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 Harold J. Glass Jr., R.Ph., license number PS 14760. 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.

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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

##### PUBLIC NOTICE

The Department of Children and Family Services announces that a panel to set guidelines for interviewing candidates for the DCF, District 4, Substance Abuse and Mental Health Program Supervisor position, will meet on March 9, 2005 at 9:00 a.m., in the Auditorium of the Emmitt Robert Building, 5920 Arlington Expressway, Jacksonville, Florida.

The panel will also meet on March 14th, and if necessary, on March 15th to interview applicants for the Supervisor position. Public comment will be accepted at the conclusion of interviews on each day. The interviews will start at 9:00 a.m. and will be held in the auditorium of the Emmitt Roberts Building, 5920 Arlington Expressway, Jacksonville, Florida.

If there are any questions related to the notice, please contact: Harry Smith, (850)488-8304.

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**VISIT FLORIDA**

**ADVERTISING MATCHING GRANTS  
PROGRAM APPLICATIONS**

VISIT FLORIDA, 661 E. Jefferson Street, Tallahassee, Florida 32301, is accepting applications for the 2005-2006 Advertising Matching Grants Program. Application packages may be obtained on the VISIT FLORIDA website: [www.VISITFLORIDA.org](http://www.VISITFLORIDA.org); by writing VISIT FLORIDA at the address listed above, attention: Advertising Matching Grants Program; by faxing a request to "Advertising Matching Grant Program", (850)224-2938, calling Bennie Strange, (850)488-5607, Ext. 319, or emailing a request to [bstrange@visitflorida.org](mailto:bstrange@visitflorida.org). VISIT FLORIDA reserves the right to reject any or all applications.

Application Due Date and Time is Friday, April 15, 2005 at 5:00 p.m.

All applications received after 5:00 p.m. on Friday, April 15, 2005, will be returned to the applicant.

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).

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**MINORITY CONVENTION GRANTS  
PROGRAM APPLICATIONS**

VISIT FLORIDA, 661 E. Jefferson Street, Tallahassee, Florida 32301, is accepting applications for the 2005-2006 Minority Convention Grant Program. Application packages may be obtained on the VISIT FLORIDA website: [www.VISITFLORIDA.org](http://www.VISITFLORIDA.org); by writing VISIT FLORIDA at the address listed above, attention: Minority Convention Grants Program; by faxing a request to "Minority Convention Grants Program", (850)224-2938, by calling Bennie Strange, (850)488-5607, Ext. 319, or emailing a request to [bstrange@visitflorida.org](mailto:bstrange@visitflorida.org). VISIT FLORIDA reserves the right to reject any or all applications.

Application Due Date and Time is Friday, April 8, 2005, 5:00 p.m.

All applications received after 5:00 p.m. on Friday, April 8, 2005, will be returned to the applicant.

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).

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**CULTURAL HERITAGE  
AND NATURE TOURISM GRANTS  
PROGRAM APPLICATIONS**

VISIT FLORIDA, 661 E. Jefferson Street, Tallahassee, Florida 32301, is accepting applications for the 2005-2006 Cultural Heritage and Nature Tourism Grants Program. Application packages may be obtained by visiting [www.VISITFLORIDA.org](http://www.VISITFLORIDA.org); writing VISIT FLORIDA at the address listed above, attention: Cultural Heritage and Nature Tourism Grants Program; faxing a request to "Cultural Heritage and Nature Tourism Grants Program", (850)224-2938; calling Sara Rogers, (850)488-5607, Ext. 363; or emailing a request to [srogers@VISITFLORIDA.org](mailto:srogers@VISITFLORIDA.org). VISIT FLORIDA reserves the right to reject any or all applications.

Please note: A discrepancy was found in the 2005-2006 Grant Guidelines regarding requested tracking methods. The error has been corrected, and the revised grant application has been posted online. If you obtained a grant package prior to February 1, 2005, it is imperative that you reference the revised application package.

Applications will be accepted Friday, March 4, 2005 through 5:00 p.m., Friday, April 15, 2005. Applications received before or after the application period will be returned to the applicant.

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).

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN February 14, 2005  
 and February 18, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF EDUCATION**

**Florida Gulf Coast University**

6C10-7.004	2/18/05	3/10/05	Newspaper	
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**DEPARTMENT OF CORRECTIONS**

33-601.800	2/18/05	3/10/05	30/39	30/44
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

61J2-1.011	2/16/05	3/8/05	30/52	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

64B16-26.100	2/18/05	3/10/05	31/1	
64B16-26.101	2/18/05	3/10/05	31/1	
64B16-26.102	2/18/05	3/10/05	31/1	
64B16-26.105	2/18/05	3/10/05	31/1	
64B16-26.106	2/18/05	3/10/05	31/1	
64B16-26.107	2/18/05	3/10/05	31/1	
64B16-26.201	2/18/05	3/10/05	31/2	
64B16-26.202	2/18/05	3/10/05	31/2	
64B16-26.2035	2/18/05	3/10/05	31/1	
64B16-26.205	2/18/05	3/10/05	31/2	
64B16-26.320	2/18/05	3/10/05	30/34	
64B16-26.400	2/18/05	3/10/05	30/34	30/48
64B16-26.401	2/18/05	3/10/05	31/2	
64B16-26.600	2/18/05	3/10/05	31/2	
64B16-26.606	2/18/05	3/10/05	31/2	

**Optical Establishments**

64B29-2.001	2/14/05	3/6/05	30/52	
64B29-2.002	2/14/05	3/6/05	30/52	
64B29-2.003	2/14/05	3/6/05	30/52	
64B29-2.004	2/14/05	3/6/05	30/52	



Section XIV  
List of Rules Affected

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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INSURANCE

This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.

- w – Signifies Withdrawal of Proposed Rule(s)
- c – Rule Challenge Filed
- v – Rule Declared Valid
- x – Rule Declared Invalid
- d – Rule Challenge Dismissed
- dw – Dismissed Upon Withdrawal

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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STATE

1B-24.002	26/43		
1S-2.017	31/8		
1S-2.023	30/42		31/4
1T-1.001		29/37	31/4
	30/45	30/51	31/4
	30/52		31/3w
	31/7		
	31/8		

LEGAL AFFAIRS

2B-1.0025	30/48		
2B-1.0027	30/48		
2B-1.003	30/48		
2B-1.004	30/48		
2B-1.0045	30/48		
2B-1.005	30/48		
2B-1.0052	30/48		
2B-1.0055	30/48		

BANKING AND FINANCE

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3D-1.006	31/1		
3D-1.010	31/1		
3E-48.005	28/42		
3F-5.0015	29/39	29/45	
3F-5.0035	29/39	29/45	
3F-5.004	29/39	29/45	
3F-5.006	29/39	29/45	
3F-5.008	29/39	29/45	

4-138.047	28/41		
4-149.203	29/52	30/3	
4-149.204	29/52	30/3	
4-149.205	29/52	30/3	
4-149.206	29/52	30/3	
4-149.207	29/52	30/3	
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		30/3	
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4-154.210	29/37	30/3	
4-154.525	29/16	29/25	
4-166.045	30/1	30/3	
4-176.013	29/36	30/3	
4-200.007	29/44	30/3	
4-211.031	27/44		
4-228.055	26/35		
4A-3.002	27/12		
4A-21.115	29/37	29/46	
4A-41.108	29/25		
4A-62.0001	29/44	29/46	
4A-62.001	29/44	29/46	
4A-62.002	29/44	29/46	
4A-62.003	29/44	29/46	
4A-62.006	29/44	29/46	
4A-62.007	29/44	29/46	
4A-62.020	29/44	29/46	
4A-62.021	29/44	29/46	
4A-62.022	29/44	29/46	
4A-62.023	29/44	29/46	
4A-62.030	29/44	29/46	
4A-62.031	29/44	29/46	
4A-62.032	29/44	29/46	
4A-62.033	29/44	29/46	
4A-62.034	29/44	29/46	
4A-62.035	29/44	29/46	
4A-62.036	29/44	29/46	
4A-62.040	29/44	29/46	
4A-62.041	29/44	29/46	
4A-62.042	29/44	29/46	
4A-62.043	29/44	29/46	
4A-62.044	29/44	29/46	
4A-62.045	29/44	29/46	
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4L-24.0231	29/39	29/46	

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	31/6c			6C3-7.018	Newspaper		31/5
5A-16.003	30/40	30/48	31/3	6C4-4.0102	Newspaper		31/4
5A-16.004	30/40		31/3	6C6-2.012	Newspaper		31/5
5A-16.005	30/40	30/48	31/3	6C6-2.029	Newspaper		31/5
5B-58.001	27/29			6C10-7.004	Newspaper		31/9
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5C-21.002	30/40	30/48	31/4	6D-12.002	30/46		
5C-21.010	30/40	30/48	31/4	6D-16.002	30/46		
5C-21.011	30/40	30/48	31/4	6E-1.003	31/1		
5C-21.012	30/40	30/48	31/4	6E-1.0032	30/39		31/2w
5C-21.015	30/40	30/48	31/4		31/1		
5C-21.018	30/40	30/48	31/4	6E-2.002	30/39		31/9w
5E-2.0042	30/15			6E-2.004	30/27	30/44	31/2w
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5F-2.001	31/4			6E-2.0042	31/9		
5F-2.017	31/4			6E-2.0061	30/39		31/2w
5M-5.001	30/46		31/8		31/9		
5M-5.002	30/46		31/8	6E-3.002	28/43		31/5w
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6A-1.0503	30/51		31/8	6L-1.004	28/12		
6A-1.09441	31/6			6L-1.005	28/12		
6A-3.0291	30/51		31/7	6L-1.006	28/12		
6A-4.003	30/42	31/5		6L-1.007	28/12		
6A-4.02431	30/51		31/8	6L-1.008	28/12		
6A-6.080	16/30			6L-1.009	28/12		
6A-10.044	31/2			6L-1.010	28/12		
6A-10.060	31/5c			6L-1.011	28/12		
6A-22.002	30/51		31/7	6L-1.012	28/12		
6A-22.004	30/51		31/8	6L-1.013	28/12		
6A-22.008	30/51		31/8	6M-7.0055	30/26		
6A-22.009	30/51		31/8	COMMUNITY AFFAIRS			
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6C3-7.003	Newspaper		31/5	9BER05-1			31/6
6C3-7.004	Newspaper		31/5	9B-3.047	30/13	30/26	
6C3-7.005	Newspaper		31/5			30/44	
6C3-7.006	Newspaper		31/5			30/52	
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6C3-7.008	Newspaper		31/5	9B-3.049	31/7		
6C3-7.009	Newspaper		31/5	9B-3.050	31/7		
6C3-7.010	Newspaper		31/5	9B-70.001	31/7		
6C3-7.011	Newspaper		31/5	9B-70.002	31/7		
6C3-7.012	Newspaper		31/5	9B-72.005	30/26		
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9B-72.080	30/26						
9B-72.090	30/26						
9B-72.100	30/26			14-1	30/42c		
9B-72.130	30/26			14-10.004	30/50	31/3	
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9K-7.007	30/36	30/51	31/5	14-48.0011	30/42	30/51	31/4
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9K-7.011	30/36		31/5	14-48.004	30/42		31/4
9K-7.013	30/36		31/5	14-48.005	30/42		31/4
9K-8.004	30/51		31/5	14-48.006	30/42		31/4
9K-8.007	30/51		31/5	14-48.007	30/42		31/4
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	30/51		31/5	14-48.009	30/42		31/4
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9K-8.014	30/51		31/5	14-48.011	30/42		31/4
				14-48.012	30/42		31/4
				14-48.013	30/42		31/4
				14-48.014	30/42		31/4
				14-51.010	30/38		
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				14-51.014	30/38	31/6	
				14-51.020	30/38	31/6	
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				14-103.004	30/14		
				14-103.005	30/14		
				14-103.006	30/14		
				14-103.007	30/14		
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				14-103.008	30/14		
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17-660.300	15/50	16/8		25-4.002	30/52		
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19-8.029	31/6			25-4.0770	30/52		
19-8.030	31/6			25-4.079	31/5		
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19B-15.009	28/8			25-24.472	31/5		
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				25-24.920	31/5		
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				25-24.940	31/5		
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27E-4.004	20/11			33-203.201	30/36	30/50	31/3
27E-4.005	20/11			33-204.003	31/1		31/8
27E-4.006	20/11			33-204.111	27/29		
27E-4.007	20/11			33-208.501	31/5		
27E-4.008	20/11			33-208.503	31/5		
ADMINISTRATION COMMISSION				33-208.504	31/5		
				33-208.506	31/5		
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28-20	30/36c			33-208.509	31/5		
28-20.110	30/29			33-208.510	31/5		
28-20.120	30/29			33-210.101	30/43		
				33-210.101(22)	30/49c		31/6d
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				33-302.104		26/52	
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CORRECTIONS				33-401.601	31/6		
				33-601.230	29/19		
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33-3.0081	25/35	25/43		33-601.305	30/48		
33-3.0082	25/35	25/43		33-601.307	30/48	30/52	
33-3.0084	25/35	25/43		33-601.309	31/2		
33-3.0085	25/35	25/43		33-601.313	30/48		
33-3.015	21/43			33-601.314	31/8		
33-3.018	17/14			33-601.602		26/49	31/5
33-8.0142	19/43					27/3	31/5
33-22.003	17/12				30/51		31/5
33-22.009	17/12			33-601.605	31/7		
33-22.011	17/12			33-601.720	31/8		
33-32.021	19/5			33-601.725	28/4	28/9	
33-32.022	19/5			33-601.726	30/49		31/3
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33-38.003	25/35	25/43				31/6	
33-38.005	25/35	25/43		33-601.738	26/48	27/38	
33-38.006	25/35	25/43		33-601.800		26/49	31/9
33-38.009	25/35	25/43			30/39	30/44	31/9
33-38.010	25/35	25/43				30/48	31/9
33-38.011	25/35	25/43				31/1	31/9
33-38.012	25/35	25/43		33-602.201		26/34	31/3
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33-103.002	30/48		31/5			30/25	31/3
33-103.004	30/48		31/5		30/49		31/3
33-103.005	30/48		31/5	33-602.210	31/8		
33-103.006	30/48		31/5				
33-103.007	30/48		31/5	LABOR AND EMPLOYMENT SECURITY			
33-103.008	30/48		31/5	38E-106.401	24/1		
33-103.010	30/48		31/5	38F-8.055	22/4		
33-103.011	30/48		31/5	38I-60.200	20/7		
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33-103.013	30/48		31/5				
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40C-1.181	20/18			40D-8.6240	23/38	24/48	
40C-1.603	30/48	31/4	31/4	40D-40.301	30/48		31/4
40C-4.091	30/48		31/4	40D-40.302	30/48		31/4
40C-4.101		21/39	31/4	40D-40.381	31/9		
	30/48		31/4	40D-45.341	19/42	20/3	
40C-4.331	30/48		31/4	40D-116.002	29/52		
40C-4.451	30/48		31/4w	40D-400.500	31/9		
40C-4.900		21/39	31/4	40D-602.221	28/47		
	30/48		31/4	40E-1.510	20/18	21/36	
40C-40.112	30/48		31/4	40E-1.607	19/43		
40C-40.302	30/48		31/4	40E-1.612	20/18	21/36	
40C-40.900		21/39	31/4	40E-1.614	20/18	21/36	
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40C-41.063	30/52		31/5	40E-3.021	30/45		
40C-42.024	30/48		31/4	40E-3.031	30/45		
40C-42.0265	30/48		31/4	40E-3.032	28/5		
40C-42.091	30/48		31/4		30/45		
40C-42.900	30/48		31/4	40E-3.035	30/45		
40C-400.201	21/48	21/48		40E-3.036	30/45		
40C-400.475		21/39	31/4	40E-3.037	30/45		
	30/48		31/4	40E-3.038	30/45		
40C-400.500		21/39	31/4	40E-3.039	30/45		
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40D-1.202	19/36	19/42			30/45		
40D-1.659	30/48		31/4	40E-3.041	30/45		
	30/48		31/4	40E-3.051	30/45	31/4	
	31/9			40E-3.101	30/45	31/4	
40D-2.091		21/13	31/4	40E-3.301	30/45		
		21/15	31/4	40E-3.321	30/45	31/4	
		21/17	31/4	40E-3.341	30/45		
		21/44	31/4	40E-3.411	30/45	31/4	
		24/7	31/4	40E-3.451	30/45		
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		26/10	31/4	40E-3.507	30/45	31/4	
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40D-4.021	31/9			40E-7.532	28/39		
40D-4.091	22/48			40E-7.611		27/39	31/6
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40E-7.645		27/39	31/6	53ER04-65			30/45
		27/45	31/6	53ER04-66			30/46
	30/48		31/6	53ER04-67			30/46
40E-7.651		27/39	31/6	53ER04-68			30/46
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40E-7.653		27/39	31/6	53ER04-70			30/48
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40E-7.654	30/48		31/6	53ER04-72			30/51
40E-7.655		27/39	31/6	53ER04-86			30/53
		27/45	31/6	53ER04-87			30/53
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40E-7.661		27/39	31/6	53ER05-1			31/2
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40E-7.6645	30/48		31/6	53ER05-4			31/3
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40E-20.651	29/17			53ER05-7			31/6
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42YY-1.002	31/4			53ER05-17			31/6
42YY-1.003	31/4			53ER05-18			31/6
42ZZ-1.001	31/4			53ER05-19			31/6
42ZZ-1.002	31/4			53ER05-20			31/6
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46-37.001	20/18			53ER05-30			31/8
46-37.002	20/18	20/25		53ER05-31			31/8
46-37.003	20/18			53-19.0035	25/43		
46-37.004	20/18	20/25		53-20.005	30/52		
46-37.005	20/18			53-302.101	29/22		
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	29/35c			59C-1.037(2)	30/49c		
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	31/7c			59E-1.003	20/27		
	31/7c			59E-1.004	20/27		
59A-2.024	20/1			59E-1.005	20/27		
59A-3.170	21/20			59E-1.006	20/27		
59A-3.180	21/3			59E-1.007	20/27		
59A-3.2055	22/52	23/10		59E-5.102	30/51		
59A-3.253	31/2			59F-1.002	20/33		
59A-3.255	29/36	29/48		59G-4.050	30/40	30/48	31/2
		30/3				30/49	31/2
	29/43c			59G-4.055	21/39	21/45	
59A-7.020	20/25			59G-4.070	27/6	27/18	
59A-8.002	31/6			59G-4.170	30/36	30/48	31/3
59A-8.003	31/6			59G-4.210	31/6		
59A-8.004	31/6			59G-4.230	31/6c		
59A-8.008	31/6			59G-5.020	30/41	30/48	31/2
59A-8.0086	31/6			59G-6.030	31/7		
59A-8.0095	31/6				31/7		
59A-8.0185	31/6			59G-8.100	30/36	30/48	31/3
59A-8.020	31/6			59G-8.200	29/30	29/42	
59A-8.022	31/6					29/47	31/2
59A-8.0245	31/6				30/6c		
59A-11.0115	30/5				30/9c		
59A-12.020	26/32	26/36			30/41		31/2
59A-18.003	26/25				31/5c		
59A-24.008	30/45		31/4	59G-9.070	30/9	31/4	
59A-33.001	29/52				31/9c		
59A-33.002	29/52				31/9c		
59A-33.003	29/52			59G-12.001	29/41		
59A-33.004	29/52			59G-12.002	29/41	29/48	
59A-33.005	29/52			59G-12.003	29/41		
59A-33.006	29/52			59G-12.004	29/41		
59A-33.007	29/52			59G-12.005	29/41	29/48	
59A-33.008	29/52			59G-13.001	30/44	30/50	31/4
59A-33.009	29/52			59G-13.030	31/6		
59A-33.010	29/52			59G-13.110	30/44	30/50	31/4
59A-33.011	29/52			59G-208.101	27/4	27/16	
59A-33.012	29/52			59H-1.00352	26/3	26/17	
59A-33.013	29/52			59M-3.005	21/25		
59A-33.014	29/52			59O-2.002	22/34	24/49	
59B-7.020	19/30			59O-2.003	22/34	24/49	
59B-7.021	19/30			59O-3.002	22/34	24/49	
59B-7.022	19/30			59O-9.003	22/34	24/48	
59B-7.023	19/30			59Q-9.002	20/39		
59B-7.024	19/30			59R-62.010	21/5		
59B-7.025	19/30			59R-62.040	21/5		
59B-7.026	19/30			59T-11.013	23/22	23/35	
59B-7.027	19/30			59T-14.004	23/22	23/35	

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59T-16.001	23/22	23/35		61A-7.010	29/41		
59T-16.002	23/22	23/35		61A-7.011	29/41		
59U-11.019	20/51	21/7		61A-7.012	29/41		
59U-14.002	23/24	23/35		61A-7.013	29/41	30/17	
59V-3.007	20/34	20/48		61A-7.014	29/41	30/17	
59Y-5.001	23/11			61A-7.015	29/41		
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60BB-4.401	30/29	30/49	31/4	61B-36.002	29/17	29/46	
60BB-4.500	30/29	30/49	31/4	61B-36.003	29/17	29/46	
60BB-4.501	30/29	30/49	31/4	61B-39.001	22/33		
60BB-4.502	30/29	30/49	31/4	61B-39.002	22/33		
60BB-4.503	30/29	30/49	31/4	61B-80.101	30/40		31/4
60DD-8.001	30/51	31/8		61B-80.102	30/40	30/51	31/4
60DD-8.002	30/51	31/8		61B-80.103	30/40		31/4
60DD-8.003	30/51	31/8		61B-80.104	30/40		31/4
60DD-8.004	30/51	31/8		61B-80.105	30/40		31/4
60DD-8.005	30/51	31/8		61B-80.106	30/40	30/51	31/4
60DD-8.006	30/51	31/8		61B-80.107	30/40	30/51	31/4
60H-9.001	30/51			61B-80.108	30/40		31/4
60H-9.002	30/51			61B-80.109	30/40		31/4
60H-9.003	30/51			61B-80.110	30/40		31/4
60H-9.004	30/51			61B-80.111	30/40		31/4
60H-9.005	30/51			61B-80.112	30/40		31/4
60P-2.004	30/50			61B-80.113	30/40		31/4
60P-3.005	30/50			61B-80.114	30/40		31/4
60P-10.004	31/3			61B-80.115	30/40		31/4
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60T-25.002	18/41	18/44		61B-80.118	30/40		31/4
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61-20.508	30/45	31/9		61B-80.121	30/40		31/4
61-50.1405	30/12			61B-80.122	30/40		31/4
61A-2.019	31/5c			61B-80.123	30/40		31/4
	31/5c			61B-81.001	30/40		31/4
61A-4.0271	22/47			61B-81.002	30/40		31/4
61A-5.0105(2)	31/5c			61B-81.003	30/40	30/51	31/4
	31/5c			61B-82.001	30/40	30/51	31/4
61A-5.7475(1)	31/5c			61B-82.002	30/40		31/4
	31/5c			61B-82.003	30/40	30/51	31/4w
61A-7.001	29/41	30/17		61B-82.004	30/40	30/51	31/4
61A-7.002	29/41			61B-82.005	30/40		31/4
61A-7.003	29/41	30/17			30/40		
61A-7.004	29/41	30/17		61B-82.006	30/40		31/4
61A-7.005	29/41			61B-82.007	30/40	30/51	31/4
61A-7.006	29/41			61C-1.001	31/1		31/8
61A-7.007	29/41			61C-1.002	22/23	22/36	
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				61C-4.010	31/1		31/8
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61C-76.0062	21/35			61G6-5.002	30/45	30/50	31/3
61D-3.003	23/36	23/44		61G6-6.005	30/45	30/50	31/3
61D-3.004	23/36	23/44		61G6-9.001	31/6		
61D-6.008	30/48			61G6-9.004	30/50		31/4
	31/2c			61G7-5.002	31/5		
61D-7.021		22/35	31/7d	61G7-10.001	30/39	31/2	31/8
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61D-11.001(8),(13)	30/36c		31/2x	61G7-10.0013	30/39	31/2	31/8
61D-11.002(1)	30/36c		31/2x	61G7-10.002	30/39		31/8
61D-11.005(2),(9)	30/36c		31/2x	61G7-10.003	30/39		31/8
61D-11.010	24/3			61G7-10.011	26/13		
61D-11.027(1)(b),(e), (2)(a),(b)	30/36c		31/2x	61G7-33.065	30/16		
61F3-8.002	20/27	20/32		61G8-30.001	30/50		
61F6-34.001	20/7				31/4c		
61F6-50.007	18/53	20/24		61G8-30.004	30/6		
61F9-6.0035	19/36			61G9-9.001	31/6		
61F9-6.011	19/36			61G10-11.006	31/8		
61F9-6.013	19/36			61G10-12.001	26/24		
61F14-3.016	19/36			61G10-18.001		29/19	31/8
61G-3.5082	27/4				30/46		31/8
61G1-11.017	30/39	30/50	31/3	61G10-18.002	30/43		
61G1-23.040	29/28	30/21		61G11-25.001	20/22		
61G2-3.005	21/33			61G14-12.003	30/36		
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61G3-20.009	27/11			61G15-21.001	30/50		31/4
61G3-30.001	28/2			61G15-21.007	30/50		31/4
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61G4-15.027	31/5					30/53	31/7
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	31/2c		31/7	64B7-28.009		28/42	31/6
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64B-21.004	27/39			64B8-1	30/52c		31/9d
64B-21.006	27/39			64B8-1.007		28/26	31/4
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64B2-13.004	30/44	30/53		64B8-6.010	30/48		31/4
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64B4-6.0013	25/32			64B8-31.007	30/52		
64B4-6.002	30/43		31/5	64B8-31.008	30/52		
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64B15-7.007	30/52			64B16-28.104	31/2		
64B15-7.008	30/52			64B16-28.105	31/2		
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64B15-14.006	30/50			64B16-28.111	31/3		
64B15-14.010	30/50		31/5	64B16-28.112	31/3		
64B15-19.007	30/50			64B16-28.1191	31/3		
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64B16-26.300	31/1	31/7		64B16-28.900	31/4		
64B16-26.301	31/1			64B16-28.901	31/4		
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64E-1.005	30/41		31/3	65C-1.003	30/45		31/3
64E-1.102	30/41		31/3	65C-1.004	30/45		31/3
64E-1.105	30/41		31/3	65C-1.005	30/45		31/3
64E-1.106	30/41		31/3	65C-1.006	30/45		31/3
64E-2.001	31/3			65C-1.007	30/45		31/3
64E-2.015	31/3			65C-1.009	30/45		31/3
64E-2.016	31/3			65C-21.001	23/20		
64E-2.018	31/3			65C-22.007	29/9		
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64E-2.022	31/3			65E-5.110	31/2		
64E-2.023	31/3			65E-5.115	31/2		
64E-2.024	31/3			65E-5.120	31/2		
64E-2.025	31/3			65E-5.130	31/2		
64E-2.026	31/3			65E-5.1301	31/2		
64E-2.027	31/3			65E-5.1302	31/2		
64E-2.028	31/3			65E-5.1303	31/2		
64E-2.029	31/3			65E-5.1304	31/2		
64E-2.031	31/3			65E-5.1305	31/2		
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64E-17.002	31/2			65E-5.160	31/2		
64E-17.003	31/2			65E-5.1601	31/2		
64E-17.004	31/2			65E-5.1602	31/2		
64E-17.006	31/2			65E-5.170	31/2		
64E-18.002	30/40	31/4		65E-5.1703	31/2		
64E-18.003	30/40	31/4		65E-5.180	31/2		
64E-18.004	30/40			65E-5.190	31/2		
64E-18.005	30/40			65E-5.200	31/2		
64E-18.007	30/40	31/4		65E-5.210	31/2		
64E-18.008	30/40	31/4		65E-5.220	31/2		
64E-18.0091	30/40			65E-5.230	31/2		
64E-18.010	30/40			65E-5.2301	31/2		
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64F-12.024	30/48		31/7	65E-5.260	31/2		
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64V-1.018	30/2			65E-5.270	31/2		
				65E-5.280	31/2		
				65E-5.2801	31/2		
				65E-5.285	31/2		
				65E-5.290	31/2		
				65E-5.300	31/2		
				65E-5.310	31/2		
				65E-5.320	31/2		
				65E-5.330	31/2		
				65E-5.350	31/2		
				65E-5.352	31/2		
				65E-5.353	31/2		
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66B-1.006	31/3			67-38.0026	30/43		31/4
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66B-2.004	31/3					26/22	31/4
66B-2.005	31/3			67-38.004	30/43	30/51	31/4
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67-21.003		25/39	31/5		30/43		31/4
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67-21.0035	30/51		31/5			26/22	31/4
67-21.004	30/51		31/5		30/43	30/51	31/4
67-21.0041	30/51		31/5	67-38.014	30/43	30/51	31/4
67-21.0045	30/51		31/5	67-38.017		26/21	31/4
67-21.005	30/51		31/5		30/43		31/4
67-21.006	30/51		31/5	67-45.001	30/42		31/4
67-21.007	30/51		31/5	67-45.003	30/42		31/4
67-21.008	30/51		31/5	67-48	31/6c		
67-21.009	30/51		31/5	67-48.001	30/51		31/5
67-21.010	30/51		31/5	67-48.002		25/50	31/5
67-21.011	30/51		31/5			26/2	31/5
67-21.012	30/51		31/5			26/52	31/5
67-21.013	30/51		31/5			27/1	31/5
67-21.014	30/51		31/5			29/8	31/5
67-21.015	30/51		31/5		30/39		
67-21.017	30/51		31/5		30/51		31/5
67-21.018	30/51		31/5	67-48.004	30/51		31/5
67-21.019	24/46	24/46		67-48.005	30/51		31/5
	30/51		31/5	67-48.007	30/51		31/5
67-25.002	30/42		31/4	67-48.0072	30/51		31/5
67-25.010	30/42		31/4	67-48.0075	30/51		31/5
67-25.011	30/42		31/4	67-48.009	30/51		31/5
67-25.014	30/42		31/4	67-48.0095	30/51		31/5
67-25.016	30/42		31/4	67-48.010	30/51		31/5
67-25.017	30/42		31/4	67-48.0105	30/51		31/5
67-32.002	30/43	30/52	31/6	67-48.012	30/51		31/5
67-32.005	30/52	30/52	31/6	67-48.013	30/51		31/5
67-32.006	30/43	30/52	31/6	67-48.014	30/51		31/5
67-32.007	30/43	30/52	31/6	67-48.015	30/51		31/5
67-32.009	24/28			67-48.017	30/51		31/5
	30/43		31/6	67-48.018	30/51		31/5
67-32.011	30/43	30/52	31/6	67-48.019	30/51		31/5
67-37.002	30/43		31/4	67-48.020	30/51		31/5
67-37.005	30/43	30/51	31/4	67-48.0205	30/51		31/5
67-37.008	30/43		31/4	67-48.021	30/51		31/5
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67-48.027	30/51		31/5	68B-28.0035	30/53		31/8
67-48.028		26/52	31/5	68B-31.006	30/53		31/8
	30/51		31/5	68B-31.007	30/53		31/8
67-48.029	30/51		31/5	68B-31.008	30/53		31/8
67-48.030	30/51		31/5	68B-31.009	30/53		31/8
67-48.031	30/51		31/5	68B-31.0136	30/53		31/8
67-51.001	30/42		31/4	68B-31.0157	30/53		31/8
67-53.008	30/48	30/50	31/2	68B-31.018	30/53		31/8
67-53.010	30/48	30/50	31/2	68B-31.019	30/53		31/8
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68A-2.015	30/53			68B-32.006	30/53		31/8
68A-4.0053	30/53			68B-34.002	30/53		31/8
68A-5.005	30/53			68B-34.003	30/53		31/8
68A-9.008	30/53			68B-35.003	30/53		31/8
68A-12.002	30/53			68B-38.001	30/53		31/8
68A-12.010	30/53			68B-38.002	30/53		31/8
68A-13.004	30/53			68B-38.003	30/53		31/8
68A-15.004	30/53	31/8		68B-45.004	30/53		31/8
68A-15.005	30/53			68B-55.001	30/53		31/8
68A-15.061	30/53			68C-22.005	31/2		
68A-15.062	30/53			FINANCIAL SERVICES			
68A-15.063	30/53	31/8		69-1	30/42c		
68A-15.064	30/53	31/8		69A-62	30/40c		31/9d
68A-15.065	30/53			69A-62.001	29/44	29/46	
68A-17.004	30/53	31/8		69A-62.002	29/44	29/46	
68A-17.005	30/53			69BER04-20			30/47
68A-23.005	30/1			69BER04-21			31/1
	30/53			69BER04-22			30/48
68A-23.009	30/53			69BER05-2			31/7
68A-23.0091	30/53			69BER05-3			31/6
68A-23.0092	30/53			69BER05-4			31/8
68A-24.003	28/17			69B-211.320	30/46		31/2
68A-24.004	28/17			69B-220.051	30/44	31/4	
68A-24.0055	30/1			69B-220.201	30/44	31/4	
68A-24.006	28/17			69B-228.010	30/46		31/2
	30/1			69B-228.020	30/46		31/2
68A-24.009	30/1			69B-228.030	30/46		31/2
68A-25.001	30/53		31/8	69B-228.060	30/46		31/2
68B-3.006	30/53		31/8	69B-228.080	30/46		31/2
68B-3.008	30/53		31/8	69B-228.220	30/46		31/2
68B-4.002	30/53		31/8	69C-6.003	30/48		31/7
68B-4.0081	30/53	31/7		69D-1.001	30/43		
68B-4.0083	30/53		31/8	69D-1.002	30/43		
68B-4.012	30/53		31/8	69D-1.003	30/43		
68B-4.013	30/53		31/8	69D-1.004	30/43		
68B-4.020	30/53		31/8	69H-2.004	30/50	31/6	
68B-13.006	30/53		31/8	69H-2.008	30/50		
68B-13.008	27/31	26/13		69H-2.010	30/50	31/6	
68B-14.0036	30/50		31/3	69JER05-1			31/3
68B-14.005	30/53		31/8	69J-2.001	31/9		
68B-24.0035	30/53		31/8	69L-6.015	30/44	30/50	31/2

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69L-6.025	30/48			69O-170.013	30/14	31/7	
69L-7.020	31/4				30/46	31/2	
69L-56.001	31/3				31/2c		
69L-56.002	31/3			69O-170.013(7)	30/21c		
69L-56.100	31/3			69O-170.0135	30/46	31/2	
69L-56.110	31/3				31/2c		
69L-56.200	31/3			69O-170.014	30/46	31/2	
69L-56.210	31/3				31/2c		
69L-56.310	31/3			69O-170.0141	30/46	31/2	
69L-56.330	31/3				31/2c		
69L-56.500	31/3			69O-170.0142	30/46	31/2	
69L-56.530	31/3				31/2c		
69M-1	29/52c			69O-170.0143	30/46	31/2	
69OER04-6			30/50	69O-170.0155	30/46	31/2	
69OER04-10			31/1		31/2c		
69OER04-19			30/45	69O-175.001	31/2c		
69O-125.005	31/6			69O-175.003	30/46	31/2	
69O-149.0055	30/39				31/2c		
69O-149.022	30/44	30/44		69O-189.001	30/46		
		31/3		69O-189.003	30/46		
69O-149.038	30/39			69O-189.004	30/46		
69O-149.041	30/51			69O-189.007	30/46		
69O-149.042	31/6c			69O-189.014	30/46		
69O-149.205	30/52			69O-189.015	31/6		
69O-149.206	30/52			69O-191.0545	30/39		
69O-149.207	30/52			69O-196.010	31/2		
69O-154.203	30/48			69O-203.201	30/44	31/3	
69O-154.204	30/48			69O-203.202	30/44	31/3	
69O-170.005	30/46	31/2		69O-203.203	30/44	31/3	
	31/2c			69O-203.204	30/44	31/3	
69O-170.006	30/46			69O-203.210	30/53		
	31/2c			69U-120.680	31/1		
69O-170.007	30/46	31/2		69W-301.004	31/1		
	31/2c						