

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE: Dangerous Transmissible Diseases

RULE CHAPTER NO.: 5C-20

RULE TITLES: Declaration; Requirement to Report

RULE NOS.: 5C-20.002

Requirement to Report Suspicious

Disease Incidents 5C-20.004

PURPOSE AND EFFECT: The purpose and effect of the rule change is to include prevalent, emerging and increasingly re-emerging animal affecting diseases to the list of diseases reportable to the State Veterinarian in order to prevent, control and eradicate certain infectious or communicable diseases of livestock and other domestic animals, ensuring the health, safety and welfare of the public, livestock and food production animals from illness and subsequent economic disaster.

SUBJECT AREA TO BE ADDRESSED: This rule proposes modifications in the list of disease reportable to the State Veterinarian.

SPECIFIC AUTHORITY: 585.002(3), 585.15 FS.

LAW IMPLEMENTED: 585.15 FS.

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

TIME AND DATE: 4:00 p.m., June 3, 2005

PLACE: Department of Agriculture and Consumer Services, Division of Animal Industry, Conference Room 316, 407 S. Calhoun St., Tallahassee, FL 32399-0800

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Thomas J. Holt, State Veterinarian, Director, Division of Animal Industry, Room 330, 407 S. Calhoun Street, Tallahassee, FL 32399-0800, (850)410-0900, Fax (850)410-0915

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5C-20.002 Declaration: Requirement to Report.

Each of the following pests or diseases is declared to be a dangerous, transmissible pest or disease of animals and to constitute an animal and/or public health risk nuisance. Any person who has knowledge of, or suspects, the existence of any of the following these diseases or pests in or among livestock or poultry the state shall immediately report suspicions or findings same to the State Veterinarian (office hours: (850)410-0900; fax: (850)410-0915; after hours: 1(800)342-5869; email: rad@doacs.state.fl.us).

1. African Horse Sickness
2. African Swine Fever
3. Anthrax
4. Avian Influenza
5. Bont Tick infestation (Amblyomma) ~~Bovine spongiform encephalopathy (BSE)~~
6. Bovine Piroplasmosis (Cattle Tick Fever) ~~Brucellosis~~
7. Bovine Spongiform Encephalopathy ~~Cattle fever tick infestation~~
8. Brucellosis ~~Chlamydiosis (psittacosis, ornithosis)~~
9. Southern Cattle Tick infestation (Boophilus) ~~Cochliomyiasis (screw worm infestation)~~
10. Chlamydiosis (Psittacosis, Ornithosis) ~~Contagious equine metritis~~
11. Classical Swine Fever ~~Contagious bovine or caprine pleuropneumonia~~
12. Chronic Wasting Disease ~~Dourine~~
13. Contagious Bovine or Caprine Pleuropneumonia ~~Equine encephalitis (Eastern, Western or Venezuelan)~~
14. Contagious Equine Metritis ~~Equine infectious anemia~~
15. Dourine ~~Equine piroplasmosis~~
16. Equine Encephalitis (Eastern, Western, Venezuelan, or West Nile Virus) ~~Foot and mouth disease~~
17. Equine Infectious Anemia ~~Glanders~~
18. Equine Piroplasmosis (Horse Tick Fever) ~~Heartwater~~
19. Equine Viral Arteritis ~~Hog cholera~~
20. Exotic Newcastle Disease ~~Infectious bronchitis~~
21. Foot and Mouth Disease ~~Laryngotracheitis~~
22. Glanders ~~Mycoplasma gallisepticum~~
23. Heartwater ~~Mycoplasma meleagridis~~
24. Infectious Bronchitis ~~Mycoplasma synoviae~~
25. Laryngotracheitis ~~Newcastle disease~~
26. Lumpy skin Disease ~~Pseudorabies (Aujeszky's disease)~~
27. Mycoplasmosis (poultry) ~~Pullorum disease~~
28. Peste des Petits Ruminants ~~Rabies~~
29. Pseudorabies (Aujeszky's Disease) ~~Rinderpest~~
30. Pullorum Disease ~~Salmonella enteritidis~~
31. Rabies ~~Scabies of sheep or cattle~~
32. Rift Valley Fever ~~Scrapie of sheep or goats~~
33. Rinderpest ~~Southern cattle fever (Texas fever)~~
34. Salmonella enteritidis ~~Tropical horse tick infestation~~
35. Scabies (sheep or cattle) ~~Tuberculosis~~
36. Scrapie (sheep or goats) ~~Vesicular exanthema~~
37. Screw worm infestation ~~Vesicular stomatitis~~
38. Sheep and Goat Pox
39. Strangles
40. Spring Viremia of Carp
41. Swine Vesicular Disease
42. Tropical Horse Tick Infestation (Demacentor nitens)

- 43. Tuberculosis
- 44. Vesicular Exanthema
- 45. Vesicular Stomatitis

Specific Authority 585.002(3), 585.15 FS. Law Implemented 585.15 FS. History—New 10-15-84, Formerly 5C-20.02, Amended 6-1-92, 5-15-95,

5C-20.004 Requirement to Report Suspicious Disease Incidents.

Any person who has knowledge of, or suspects, the existence of any other serious animal disease or pest in the state which may be a foreign or a newly-emerging disease that might result in serious animal loss, economic damage, or is suspected of causing human disease, should immediately report suspicions or findings to the State Veterinarian (office hours: (850)410-0900; fax: (850)410-0915; after hours: 1(800)342-5869; email: rad@doacs.state.fl.us).

Specific Authority 585.002(3), 585.15 FS. Law Implemented 585.15 FS. History—New _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER TITLE: Best Management Practices
 RULE CHAPTER NO.: 5M-6

(BMP) for Container Plant Nurseries in South Florida
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt the Water Quality/Quantity BMPs for container plant nurseries in South Florida, and provide the mechanisms for the Florida Department of Agriculture and Consumer Services to verify compliance with the Best Management Practices (BMPs) in accordance with Sections 373.4595 and 403.067(7), F.S.

SUBJECT AREA TO BE ADDRESSED: The purpose of this workshop is to review a draft rule that adopts the Water Quality/Quantity BMPs for Container Plant Nurseries in South Florida, establishes record keeping requirements and the procedures for landowners and leaseholders to submit a notice of intent to comply with Best Management Practices (BMPs) and interim measures.

SPECIFIC AUTHORITY: 403.067(7) FS.

LAW IMPLEMENTED: 403.067(7) FS.

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

TIME AND DATE: 11:00 a.m., Thursday, June 23, 2005
 PLACE: Palm Beach Agriculture Extension Office, Exhibit Hall A, 559 North Military Trail, West Palm Beach, FL 33415, (561)233-1725
 TIME AND DATE: 7:00 p.m., Thursday, June 23, 2005
 PLACE: Broward County Agriculture Extension Office, 3245 College Avenue, Davie, FL

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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Bob Clark, Environmental Specialist, Office of Agricultural Water Policy, 1203 Governor’s Square Blvd., Suite 200, Tallahassee, Florida 32399-1650, (850)922-6508, Fax (850)921-2153

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER TITLE: Gulf Coast Citrus Best
 RULE CHAPTER NO.: 5M-7

Management Practices
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to adopt the Water Quality/Quantity BMPs for Gulf Coast Citrus, and provide the mechanisms for the Florida Department of Agriculture and Consumer Services to verify compliance with the Best Management Practices (BMPs) in accordance with Section 403.067(7), F.S.

SUBJECT AREA TO BE ADDRESSED: The purpose of this workshop is to review a draft rule that adopts the Water Quality/Quantity BMPs for Gulf Coast Citrus, establishes record keeping requirements and the procedures for landowners and leaseholders to submit a notice of intent to comply with Best Management Practices (BMPs) and interim measures.

SPECIFIC AUTHORITY: 403.067(7) FS.

LAW IMPLEMENTED: 403.067(7) FS.

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

TIME AND DATE: 1:00 p.m., Tuesday, June 14, 2005
 PLACE: IFAS Extension Office, 14700 Immokalee Road, Naples, FL 34120, (239)353-4244

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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Ken Kuhl, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor’s Square Blvd., Suite 200, Tallahassee, Florida 32399-1650, (850)488-6249, Fax (850)921-2153

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Design and Construction of Plant
 RULE NO.: 25-4.036

PURPOSE AND EFFECT: To amend the rule to reference the most recent edition of the National Electrical Code. As Rule 25-4.036, F.A.C., is incorporated by reference into Rules 25-24.585, 25-24.740 and 25-24.835, F.A.C., the draft amendments to Rule 25-4.036, F.A.C., also affect shared tenant service companies, alternative access vendor service companies, and competitive local exchange companies.

SUBJECT AREA TO BE ADDRESSED: National Electrical Code standards pertaining to the design and construction of telecommunications facilities by incumbent local exchange companies, shared tenant service companies, alternative access vendor service companies, and competitive local exchange companies.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.01(4), 364.03 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 WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO: Samantha Cibula, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6584

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.036 Design and Construction of Plant.

(1) The plant and facilities of the utility shall be designed, constructed, installed, maintained and operated in accordance with provisions of the ~~2002 Edition~~ of the National Electrical Safety Code (IEEE C2-2002) and the National Electrical Code (NFPA ~~70-2002~~ 70-2005), pertaining to the construction of telecommunications facilities.

(2) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03 FS. History—Revised 12-1-68, Amended 4-19-77, Formerly 25-4.36, Amended 2-5-86, 3-26-91, 5-3-94, 12-23-02, _____.

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLES:	RULE NOS.:
Record of Metering Devices and Metering Device Tests	25-6.022
Test Procedures and Accuracies of Consumption Metering Devices	25-6.052
Metering Device Test Plans	25-6.056
Determination of Average Meter Error	25-6.058
Meter Test by Request	25-6.059
Meter Test – Referee	25-6.060

PURPOSE AND EFFECT: To clarify the calculation of meter error used in the determination of any potential refund or backbill.

SUBJECT AREA TO BE ADDRESSED: Electric meter testing.

SPECIFIC AUTHORITY: 366.05(1) FS.

LAW IMPLEMENTED: 366.04(2)(f), 366.05(1),(3),(4),(5) FS.

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

TIME AND DATE: 9:30 a.m., June 9, 2005

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop 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 Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Roland Floyd, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6676

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.022 Record of Metering Devices and Metering Device Tests.

(1) For all types of utility-performed tests, a test record shall be made whenever a unit of metering equipment is tested, but need not be retained after the equipment is again tested unless the test is made in accordance with Rule 25-6.059, F.A.C. For equipment tested under Rule 25-6.059, F.A.C., any record of a previous accuracy test must be retained by the utility until after any dispute is resolved. The record shall show information to identify the unit and its location; equipment with which the unit is associated; the date of the test; reason for

the test; readings before and after the test; if the meter creeps, a statement as to the rate of creeping; a statement of the “as found” accuracy; indications showing that all required checks have been made; a statement of repairs made, if any; and identification of the person making the test. The completion of each test will signify the “as left” accuracy falls within the required limits specified in Rule 25-6.052, F.A.C., unless the meter is to be retired.

(2) No change.

(3) Records of Test for Incoming Purchases. Regardless whether the newly purchased metering equipment is tested under a Random Sampling Plan approved pursuant to Rule 25-6.056, F.A.C., each utility shall maintain and make available to the Commission for each purchase of new meters and associated devices made during the calendar or fiscal year, the following information:

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

Specific Authority 366.05(1) FS. Law Implemented 366.05(1),(3), 366.04(2)(f) FS. History—Amended 7-29-69, Formerly 25-6.22, Amended 5-19-97,_____.

25-6.052 Test Procedures and Accuracies of Consumption Metering Devices.

(1) Accuracy Requirements for Watthour Meters. The performance of an in-service watthour meter shall be acceptable when the meter does not creep and the average percentage registration is not more than 102 percent nor less than 98 percent, calculated in accordance with Rule 25-6.058, F.A.C.

(2) Accuracy Requirements for Demand Meters and Registers.

(a) The performance of a mechanical or lagged demand meter or register shall be acceptable when the error of registration does not exceed four percent in terms of full-scale value throughout the range of, when tested at any point between 25 percent and 100 percent of full-scale value.

(b) The performance of an electronic demand meter or register shall be acceptable when the error of registration does not exceed two percent of reading throughout the range of, when tested at any point between 10 percent and 100 percent of full-scale value.

(c) No change.

(3) Meter Equipment Test Procedures.

(a) No change.

(b) Watthour meters and associated devices shall be tested for accuracy and adjusted in accordance with American National Standard for Electric Meters, Code for Electricity Metering (ANSI C12.1 – 2001 1995), which is incorporated into this rule by reference.

(c) Totally solid-state meters that compute demand from watthour meter registration and programmed demand algorithms shall be tested and adjusted in accordance with ANSI C12.1 – 2001 1995. Demand registration need not be

tested, provided the meter has been inspected to contain the correct demand algorithm whenever watthour registration is tested.

(4) through (b)4. No change.

5. Description of the general steps involved.

(c) Any changes to a previously approved test procedure must be submitted to the Commission’s Division of Economic Regulation for approval. Adding a meter type to a previously approved test procedure is a change that which requires approval.

(d) Review of Proposed Test Procedures. Except where a utility has requested a formal ruling by the Commission, the Division of Economic Regulation shall within 90 days after submission review each utility’s proposed test procedures to determine whether they satisfy the criteria set forth in paragraphs (4)(a) and (b) above and shall notify the utility in writing of its decision accepting or rejecting the proposed procedures. If a proposed procedure is rejected, the written notice of rejection shall state clearly the reasons for rejecting the proposed procedure. If a utility’s proposed procedure is rejected, the utility shall submit a revised procedure to the Commission within 60 days after receiving the notice of rejection. Where a utility has requested staff review of its procedures and a procedure has been rejected, the utility may petition the Commission for approval of the procedure. ~~If a utility has not submitted a satisfactory procedure within six months following the submission of the initially proposed procedure, the Commission may prescribe by order a procedure for the utility.~~

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—Amended 7-29-69, Formerly 25-6.52, Amended 5-19-97,_____.

25-6.056 Metering Device Test Plans.

(1) No change.

(2) All metering device tests shall be retained in accordance with ~~by the utility and made available to the Commission pursuant to~~ Rule 25-6.022, F.A.C.

(3) No change.

(4) All metering equipment listed in paragraph 25-6.052(4)(a), F.A.C., shall be tested:

(a) Before initial and each successive installation, either by the utility or the manufacturer, with the exception of units of metering equipment which are statistically sample tested by the utility under an approved Random Sampling Plan, as set forth in subsection (8); and

(b) through (5)(c) No change.

(6) Within each population specified in an approved sampling plan or periodic test plan of mechanical or lagged demand meters, or other metering devices for which acceptability is stated in terms of full-scale value, each device shall have the same full-scale value.

~~(7)(6)~~ In-Service Testing.

(a) through (b) No change.

(c) The utility shall supplement its in-service tests of metering equipment by operating a program to analyze customer billing records and any other information regarding customers' consumption, for the purpose of detecting and investigating abnormally high or low electric bills. The utility's procedures for doing this shall be set forth in its meter testing plan on file with the Commission.

~~(8)(7)~~ Random Sampling Plans Submitted for Approval.

(a) through 3. No change.

(d) "Variables" sampling plans ~~shall may~~ use either of the "known variability" or the "unknown variability" acceptance criteria. The acceptance criteria shall be appropriately modeled. Variables sampling plans shall use the population standard deviation to measure variability unless the proposed plan is accompanied by adequate justification for using another parameter.

~~(9)(8)~~ No change.

~~(10)(9)~~ Approval of Sampling Plans and In-Service Testing Schedules. All utilities subject to this rule shall submit to the Commission's Division of Economic Regulation a proposed Random Sampling Plan for each population of metering devices for which it intends to use a random sampling plan for acceptance testing or for in-service testing, and a proposed periodic testing schedule for each population of metering devices for which it does not submit a proposed in-service random sampling plan. Sampling plans and in-service testing schedules must be reviewed and approved pursuant to subsection (11) prior to their use.

~~(11)(10)~~ Review of Proposed Test Plan. As used in this subsection, the word "plan" includes periodic testing schedules as well as Random Sampling Plans. Except where a utility has requested a formal ruling by the Commission, the Division of Economic Regulation shall within 90 days after submission review each utility's plan to determine whether it satisfies the criteria set forth in subsections ~~(8)(7)~~ and ~~(9)(8)~~ above and shall notify the utility in writing of its decision accepting or rejecting the proposed plan. If a proposed plan is rejected, the written notice of rejection shall state clearly the reasons for rejecting the proposed plan. If a utility's proposed plan is rejected, the utility shall submit a revised plan to the Commission within 60 days after receiving the notice of rejection. Where a utility has requested staff review of its plan and the plan has been rejected, the utility may petition the Commission for approval of the initially proposed plan. ~~If a utility has not submitted a satisfactory plan within six months following the submission of the initially proposed plan, the Commission may prescribe by order a plan for the utility.~~

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—New 7-29-69, Amended 4-13-80, Formerly 25-6.56, Amended 5-19-97, _____.

25-6.058 Determination of Average Meter Error.

The average meter error shall be determined as follows: Whenever a metering installation is tested and found to exceed the accuracy limits, the average error shall be determined in one of the following ways:

(1) Average Meter Error for Watthour Meters.

~~(a)(1)~~ No change.

~~(b)(2)~~ If a single-phase metering installation is used on a varying load, the average error shall be determined ~~by in~~ one of the following methods, ways: The utility shall select the method that best fits the customer's usage pattern.

(a) through (b) renumbered 1. through 2. No change.

~~3.(e)~~ A single point, when calculating the error of a totally solid-state solid-state meter, and the single point is an accurate representation of the error over the load range of the meter.

~~(c)(3)~~ If a polyphase metering installation is used on a varying load, the average error shall be determined ~~by in~~ one of the following methods, ways: The utility shall select the method that best fits the customer's usage pattern.

~~1.(a)~~ No change.

~~2.(b)~~ A single point, when calculating the error of a totally solid-state solid-state meter, and the single point is an accurate representation of the error over the load range of the meter.

(2) Average Meter Error for Demand Meters

(a) For tests performed to determine whether a meter meets the performance requirement of paragraph 25-6.052(2)(a) or paragraph 25-6.052(2)(b), F.A.C., for acceptance tests, in-service tests, or tests requested by customers, meter error shall be determined by testing the meter at both 40 percent and 80 percent of reference meter full-scale value, or as near to these two points as is practicable. The kilowatt readings on the meter being tested shall be denoted by M40 and M80, respectively, and the corresponding kilowatt errors shall be denoted by E40 and E80, respectively. These two pairs of results define a straight line relationship between the kilowatt readings on the meter being tested and the corresponding kilowatt errors.

1. For mechanical or lagged demand meters, the straight line determined by paragraph (2)(a) above shall be used to estimate the kilowatt error of the meter at 25 percent of full scale and at 100 percent of full scale, both with respect to the meter being tested. The kilowatt errors shall be denoted by E25 and E100, respectively. The greater of the kilowatt errors E25 and E100 shall be expressed as a percentage of the full-scale value of the meter being tested to determine if the meter meets the accuracy requirement of paragraph 25-6.052(2)(a), F.A.C.

2. For electronic demand meters, the straight line determined by paragraph (2)(a) above shall be used to estimate the kilowatt error of the meter at 10 percent of full scale and at 100 percent of full scale, both with respect to the meter being tested. The kilowatt errors shall be denoted by E10 and E100, respectively. The two kilowatt errors E10 and E100 shall be expressed as a percentage of the corresponding reference meter

kilowatt reading. The greater of these two percentages shall be used to determine if the meter meets the accuracy requirement of paragraph 25-6.052(2)(b), F.A.C.

(b) For tests performed to calculate amounts to refund customers, or amounts by which to backbill customers whose meters are found to be in error according to paragraphs 25-6.052(2)(a) or 25-6.052(2)(b), F.A.C., meter error shall be determined as follows. Using the same linear relationship determined in paragraph 25-6.058(2)(a), F.A.C., above, determine the kilowatt error at the point on the scale that represents the average billing demand over the refund period. The kilowatt error so determined shall be expressed as a percentage of the reference meter reading corresponding to the average billing demand and shall be used to determine the corrected billing demand for each month in the refund period.

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—New 7-29-69, Formerly 25-6.58, Amended 5-19-97, _____.

25-6.059 Meter Test by Request.

(1) No change.

(2) Should any customer request a meter test more frequently than provided for in subsection (1) of this rule, the utility may require a deposit to defray costs of testing, such deposit not to exceed fifteen dollars (\$15.00) for each test. If the meter is found to be running fast in excess of the allowable limit the deposit shall be refunded, but if the meter is below the allowable limit, the deposit may be retained by the utility as a service charge for conducting the test.

(3) No change.

(4) At the request of the customer, the utility shall make arrangements for a meter test to be conducted by an independent meter testing facility of the customer's choosing. The customer shall be responsible for negotiating and paying to the independent meter testing facility any fee charged for such a test. Such independent meter testing facilities shall, at a minimum, conform to the requirements of the American National Standard for Electric Metering, Code for Electricity Metering, ~~Seventh Edition~~ (ANSI C12.1 2001 ~~1982~~). Where appropriate, the meter may be field tested. The customer shall be responsible for all the costs to the utility associated with a meter test by an independent meter testing facility. The utility shall provide a detailed estimate of such costs and may require payment of such costs prior to the actual meter test. If the meter is found to be running fast in excess of the limits established by these rules, such costs shall be refunded, but if within the allowable limits, the utility may retain the costs.

(5) No change.

(6) For equipment tested under this rule, any previous accuracy test result on record at the time the meter test is requested must be retained in accordance with Rule 25-6.022, F.A.C.

Specific Authority 366.05(1) FS. Law Implemented 366.05(4),(5), 366.05(3) FS. History—New 7-29-69, Amended 10-11-83, Formerly 25-6.59, Amended _____.

25-6.060 Meter Test – Referee.

(1) through (3) No change.

(4) For equipment tested under this rule, any previous accuracy test result on record at the time the meter test is requested must be retained in accordance with Rule 25-6.022, F.A.C.

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—New 7-29-69, Formerly 25-6.60, Amended _____.

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Pay Telephone Service
 RULE NO.: 25-24.515

PURPOSE AND EFFECT: To amend the rule to reference the most recent edition of the National Electrical Code.

SUBJECT AREA TO BE ADDRESSED: National Electrical Code standards pertaining to the design and construction of telecommunications facilities by pay telephone service providers.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345 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 WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO: Samantha Cibula, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6584

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.515 Pay Telephone Service.

(1) through (22) No change.

(23) Pay telephone facilities shall be designed, constructed, installed, maintained and operated in accordance with provisions of the National Electrical Safety Code (IEEE C2-2002) and the National Electrical Code (NFPA 70-2005 ~~NEPA 70-2002~~).

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345 FS. History—New 1-5-87, Amended 4-14-92, 12-21-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 2-1-99, 12-23-02, 4-5-05, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Interagency Agreements

RULE NO.: 40C-1.106

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to incorporate by reference a new proposed operating agreement between the St. Johns River Water Management District and the Department of Environmental Protection regarding regulatory responsibilities under Part IV, Chapter 373, F.S. The operating agreement addresses the division of responsibilities between the two agencies for permitting, compliance, enforcement, and for wetland determinations.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will revise the division of responsibilities between St. Johns River Water Management District and the Department of Environmental Protection regarding their regulatory responsibilities under Part IV, Chapter 373, F.S., to return to the Department responsibility for any shore protection structure, including seawalls, within the Mosquito Lagoon, Banana River, or Indian River, including all tributaries thereto, that serve residential dwelling units that are the responsibility of the Department to review. The proposed rule amendment also clarifies the division of other regulatory responsibilities under Part IV, Chapter 373, F.S., between the District and the Department.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113 FS.

LAW IMPLEMENTED: 373.016(5), 373.046, 373.103, 373.421(2) FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., June 9, 2005

PLACE: St. Johns River Water Management District Headquarters, Room 136 A & B, Resource Management Building, 4049 Reid Street, Palatka, Florida 32177

TIME AND DATE: 10:00 a.m. – 12:00 Noon, June 10, 2005

PLACE: St. Johns River Water Management District, Palm Bay Service Center, 525 Community College Parkway, S. E., Palm Bay, Florida 32909

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, e-mail: nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-1.106 Interagency Agreements.

(1) No change.

(3) The following agreements have been entered into by the District and are hereby incorporated by reference:

(a) through (g) No change.

(h) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and ~~Aquaculture General Permits Under Section 403.814, F.S.~~, between St. Johns River Water Management District and Department of Environmental Protection dated (effective date) 12-3-98.

(i) through (l) No change.

Specific Authority 373.044, 373.046, 373.113 FS. Law Implemented ~~420.53, 373.016(5), 373.046, 373.103, 373.421(2)~~ FS. History—New 8-1-89, Amended 11-12-92, 10-3-95, 12-3-98, 11-11-03.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:

RULE NOS.:

Publications Incorporated by Reference 40C-4.091

Additional Conditions for Issuance of Permits 40C-4.302

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to incorporate by reference a new proposed operating agreement between the St. Johns River Water Management District and the Department of Environmental Protection regarding regulatory responsibilities under Part IV, Chapter 373, F.S. The operating agreement addresses the division of responsibilities between the two agencies for permitting, compliance, enforcement, and for wetland determinations.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will revise the division of responsibilities between St. Johns River Water Management District and the Department of Environmental Protection regarding their regulatory responsibilities under Part IV, Chapter 373, F.S., to return to the Department responsibility for any shore protection structure, including seawalls, within the Mosquito Lagoon, Banana River, or Indian River, including all tributaries thereto, that serve residential dwelling units that are the responsibility of the Department to review. The proposed rule amendment also clarifies the division of other regulatory responsibilities under Part IV, Chapter 373, F.S., between the District and the Department.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113 FS.

LAW IMPLEMENTED: 373.016(5), 373.046, 373.103, 373.421(2) FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., June 9, 2005

PLACE: St. Johns River Water Management District Headquarters, Room 136 A & B, Resource Management Building, 4049 Reid Street, Palatka, Florida 32177

TIME AND DATE: 10:00 a.m. – 12:00 Noon, June 10, 2005

PLACE: St. Johns River Water Management District, Palm Bay Service Center, 525 Community College Parkway, S. E., Palm Bay, Florida 32909

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, e-mail: nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I “Policy and Procedures,” Part II “Criteria for Evaluation,” subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K “Legal Description Upper St. Johns River Hydrologic Basin,” “Legal Description Ocklawaha River Hydrologic Basin,” “Legal Description of the Wekiva River Hydrologic Basin,” “Legal Description of the Econlockhatchee River Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Alachua County,” “Legal Description Tomoka River Hydrologic Basin,” “Legal Description Spruce Creek Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Marion County,” and “Legal Descriptions of the Lake Apopka Hydrologic Basin,” and Appendix M “Regional Watersheds for Mitigation Banking,” of the document entitled “Applicant’s Handbook: Management and Storage of Surface Waters,” effective 2-1-05.

(b) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., ~~and Aquaculture General Permits Under Section 403.814, F.S.~~ Between St. Johns River Water Management District and Department of Environmental Protection dated (effective date) 8-25-94.

(c) No change.

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.146(1), 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History–New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, _____.

40C-4.302 Additional Conditions for Issuance of Permits.

(1) No change.

(2) When determining whether a permit applicant has provided reasonable assurances that District permitting standards will be met, the District shall take into consideration the applicant’s violation of any Department rules adopted pursuant to Sections 403.91-403.929, F.S., (1984 Supp.), as amended, which the District had the responsibility to enforce pursuant to delegation, or any District rules adopted pursuant to Part IV, Chapter 373, F.S., relating to any other project or activity and efforts taken by the applicant to resolve these violations. The Department’s delegation to the District to enforce Department rules is set forth in the Operating Agreement concerning Stormwater Discharge Regulation and Dredge and Fill Regulation, dated January 4, 1988; Operating Agreement concerning Management and Storage of Surface Waters Regulation and Wetland Resource Regulation between the St. Johns River Water Management District and Department of Environmental Regulation, dated August 28, 1992; ~~and~~ Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated August 25, 1994; Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated December 3, 1998; and Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated (effective date), all incorporated by reference in Rule 40C-4.091, F.A.C.

Specific Authority ~~373.016, 373.044, 373.046, 373.103, 373.113, 373.171, 373.414(9), 373.418~~ FS. Law Implemented ~~373.016(2), 373.042, 373.409, 373.413, 373.414, 373.416, 373.418, 373.426, 380.23~~ FS. History–New 10-3-95, Amended 10-11-01, _____.

APPLICANT’S HANDBOOK SECTION:

10.1.2 When determining whether a permit applicant has provided reasonable assurances that District permitting standards will be met, the District shall take into consideration the applicant’s violation of any Department rules adopted pursuant to Sections 403.91-403.929, F.S., (1984 Supp.), as amended, which the District had the responsibility to enforce pursuant to delegation, or any District rules adopted pursuant to Part IV, Chapter 373, F.S., relating to any other project or activity and efforts taken by the applicant to resolve these violations. The Department’s delegation to the District to enforce Department rules is set forth in the Operating Agreement concerning Stormwater Discharge Regulation and Dredge and Fill Regulation, dated January 4, 1988; Operating Agreement concerning Management and Storage of Surface Waters Regulation and Wetland Resource Regulation between

the St. Johns River Water Management District and Department of Environmental Regulation, dated August 28, 1992; ~~and~~ Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated August 25, 1994; Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated December 3, 1998; and Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated (effective date), all incorporated by reference in Rule 40C-4.091, F.A.C.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Inpatient Hospital Services
 RULE NO.: 59G-6.020

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan payment methodology, effective June 1, 2005, to provide the following changes:

Effective June 1, 2005 and ending June 30, 2005, the final total of all special Medicaid payments (SMPs) will be the lower of (1) – 85.90 percent of the total Upper Payment Limit (UPL) for private hospitals and – 195.00 percent of the total Upper Payment Limit for non-state public hospitals, or (2) 100 percent of the difference between Medicaid payments and 100 percent of what would have been paid under Medicare payment principles. Interim payments will be adjusted to match this total. The total of all special Medicaid payments will not exceed the Upper Payment Limit.

Effective July 1, 2005, the final total of all special Medicaid payments (SMPs) will be the lower of (1) 35 percent of the total Upper Payment Limit (UPL) for private hospitals and 80 percent of the total Upper Payment Limit for non-state public hospitals, as defined in section VII. B, or (2) 100 percent of the difference between Medicaid payments and 100 percent of what would have been paid under Medicare payment principles. Interim payments will be adjusted to match this total. The total of all special Medicaid payments will not exceed the Upper Payment Limit.

SUBJECT AREA TO BE ADDRESSED: Florida Medicaid Special Medicaid payments.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., June 8, 2005

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149A, Tallahassee, Florida 32308, (850)414-2759

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Financial Reporting Requirements
 RULE NO.: 61D-8.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to accurate calculation of permitholder takeout (commission) rates in whole percentages and written responses for information from permitholders and totalisator companies within 30 days of an audit or other reports or requests for information.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are permitholder takeout (commission) rates and responses due from permitholders and totalisator companies.

SPECIFIC AUTHORITY: 550.0251(3),(7),(9), 550.125(2)(b), 550.155(1), 550.3551(10), 550.6305(5) FS.

LAW IMPLEMENTED 550.0251, 550.0951(5), 550.125, 550.155, 550.3551, 550.615, 550.6305, 550.6335 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, June 7, 2005

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Standard for Laws and Rules Course Providers
 RULE NO.: 61G15-22.015

PURPOSE AND EFFECT: Purpose and effect are to set standards for continuing education courses on Florida laws and rules governing the practice of engineering.

SUBJECT AREA TO BE ADDRESSED: Standard for Laws and Rules Course Providers.

SPECIFIC AUTHORITY: 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Seals Acceptable to the Board
 RULE NO.: 61G15-23.001

PURPOSE AND EFFECT: Purpose and effect are to clarify what form of seals are acceptable and the deadline for use of the new seal format.

SUBJECT AREA TO BE ADDRESSED: Seals Acceptable to the Board.

SPECIFIC AUTHORITY: 471.025 FS.

LAW IMPLEMENTED: 471.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-23.001 Seals Acceptable to the Board.

(1) Pursuant to Section 471.025, F.S., the Board hereby establishes as indicated below the forms of embossing impression seals which are acceptable to the Board. Said seal shall be a minimum of 1 7/8 inch in diameter. All engineers must be utilizing a ~~the new~~ seal as illustrated in this rule no later than ~~prior to~~ January 1, 2006~~2~~.

(2) No change.

Specific Authority 471.025 FS. Law Implemented 471.025 FS. History—New 1-8-80, Amended 6-23-80, Formerly 21H-23.01, 21H-23.001, Amended 4-1-97, 2-5-04, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Building Code Administrators and Inspectors

RULE TITLE: Approval of Courses
 RULE NO.: 61G19-9.004

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

SUBJECT AREA TO BE ADDRESSED: Approval of courses approved by the Construction Industry Licensing Board, the Electrical Contractors' Licensing Board and the Board of Architecture and Interior Design.

SPECIFIC AUTHORITY: 468.606, 468.627 FS.

LAW IMPLEMENTED: 468.627 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD A HEARING 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: Anthony Spivey, Executive Director, Board of Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-9.004 Approval of Courses.

(1) through (10) No change.

(11) The Board, subject to review, approves those continuing education courses approved by the Construction Industry Licensing Board; the Electrical Contractors' Licensing Board; and the Board of Architecture and Interior Design.

(12) through (13) No change.

Specific Authority 468.606, 468.627 FS. Law Implemented 468.627 FS. History—New 5-23-94, Amended 5-21-95, 10-1-97, 8-17-99, 4-23-01, 1-2-02, 12-10-02, _____.

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 Optometry

RULE TITLE: Fees
 RULE NO.: 64B13-6.001

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

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

(1) through (8) No change.

(9) The fee for obtaining a duplicate wall certificate/license shall be \$25.00.

(10) through (16) No change.

Specific Authority 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History—New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00, 11-18-01, 5-9-02, 9-10-02, 7-3-03, 10-30-03, 8-29-04, _____.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE: Documentation of Eligibility for Licensure
 RULE NO.: 64B14-4.003

PURPOSE AND EFFECT: The Board proposes to review this section to decide whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Documentation of Eligibility for Licensure.

SPECIFIC AUTHORITY: 468.802 FS.

LAW IMPLEMENTED: 468.803 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE: Requirements for Orthotic Fitter, Orthotic Fitter Assistant and Pedorthic
 RULE NO.: 64B14-4.110

PURPOSE AND EFFECT: The Board proposes to review this section to determine if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Requirements for Orthotic Fitter, Orthotic Fitter Assistant and Pedorthic.

SPECIFIC AUTHORITY: 468.802, 468.803 FS.

LAW IMPLEMENTED: 468.803 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE: Continuing Education Requirement
 RULE NO.: 64B14-5.002
 PURPOSE AND EFFECT: The Board proposes to review this section to decide whether changes are necessary.
 SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirement.
 SPECIFIC AUTHORITY: 468.802, 468.806 FS.
 LAW IMPLEMENTED: 456.013, 456.024, 468.806 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE: Standards of Practice
 RULE NO.: 64B14-7.001
 PURPOSE AND EFFECT: The Board proposes to review this section to determine if changes are necessary.
 SUBJECT AREA TO BE ADDRESSED: Standards of Practice.
 SPECIFIC AUTHORITY: 468.802 FS.
 LAW IMPLEMENTED: 456.063(1), 456.072(1)(o),(u), 468.802 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Unprofessional Conduct; Definition
 RULE NO.: 64B32-5.003

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.
 SUBJECT AREA TO BE ADDRESSED: Unprofessional Conduct; Definition.
 SPECIFIC AUTHORITY: 468.353(1), 468.365(1)(f) FS.
 LAW IMPLEMENTED: 468.365(1)(f) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-5.003 Unprofessional Conduct; Definition.

Unprofessional conduct shall be defined to include, but not be limited to, a licensee is guilty of unprofessional conduct when he commits any of the following:

- (1) through (2) No change.
- (3) Leaves a respiratory therapy assignment before properly advising appropriate supervisory personnel.
- (4) through (6) No change.

Specific Authority 468.353(1), 468.365(1)(f) FS. Law Implemented 468.365(1)(f) FS. History—New 4-29-85, Formerly 21M-37.02, 21M-37.002, 61F6-37.002, 59R-74.002, 64B8-74.002, Amended 1-6-02, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE TITLES: RULE NOS.:
 Food Stamp Program Definitions 65A-1.601
 Food Stamp Program Case Processing 65A-1.602
 Food Stamp Issuance 65A-1.604

PURPOSE AND EFFECT: Economic Self-Sufficiency (ESS) rules were reviewed to determine rules that needed amendment to remove obsolete language; align with state and/or federal laws and federal regulations; and, combine rules that address the same subject. Administrative Rules 65A-1.601, 65A-1.602 and 65A-1.604, contain obsolete and overlapping Food Stamp Program (FSP) language. Administrative Rules 65A-1.601 and 65A-1.604, will be repealed and pertinent provisions added to Administrative Rule 65A-1.602. Administrative Rule 65A-1.602, will be amended to clarify FSP case processing; provide the Simplified Reporting (SR) option requirements; and, add Electronic Benefit Transfer issuance requirements.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments remove obsolete FSP definitions and overlapping language and provide for the addition of food stamp SR

requirements. Administrative Rules 65A-1.601 and 65A-1.604 will be repealed and relevant food stamp provisions added to Administrative Rule 65A-1.602. Administrative Rule 65A-1.602 will be amended to clarify FSP case processing; provide SR option requirements; and, add Electronic Benefit Transfer issuance requirements.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 409.942, 414.31, 414.32 FS.

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

TIME AND DATE: 10:30 a.m., June 16, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, Building 3, Room 450, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)921-0253

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Recount Procedures

RULE NO.: 1S-2.031

PURPOSE AND EFFECT: The primary purpose of the proposed changes to the rule is provide statewide and uniform procedures and standards for conducting a manual recount of a touchscreen voting system when a manual recount is triggered by the results of a machine recount under Section 102.141, Florida Statutes. No such procedures or standards are in place following the expiration of Emergency Rule 1SER04-01.

Emergency Rule 1SER04-01, relating specifically to manual recounts for touchscreen voting systems, had been adopted in October 15, 2004, to replace subsection (7) of Rule 1S-2.031, Florida Administrative Code. Subsection (7) had provided that manual recounts of touchscreen ballots were not required because the purpose for which such recounts are done could not be accomplished because an overvote could not be cast and a determination could not be made regarding a clear indication of a voter's choice of an undervote on such touchscreen voting systems. Nonetheless, on August 27, 2004, subsection (7) was declared invalid and contrary to Section 102.166, Florida Statutes by an administrative law judge in American Civil Liberties Union of Florida, Inc., et al. v. Florida Department of State, Case No. 04-2341RX. The timing and nature of the administrative ruling just before the upcoming 2004 General

Elections posed the imminent danger that processes for conducting manual recounts would be created on an ad hoc county-by-county basis and that such disparate processes would have an adverse effect on the conduct of elections.

In an effort to minimize the potential for such disparity in the electoral process, the Department adopted Emergency Rule 1SER04-01 which remained effective until January 13, 2005. The Department now seeks to put into place permanent statewide and uniform procedures and standards which are necessary for conducting manual recounts of touchscreen voting systems, and to make other attendant changes to the rule to conform.

A Notice of Proposed Rule Development was published on January 21, 2005, in the Florida Administrative Weekly (Vol. 31, No. 3) which included a notice of a scheduled workshop but no draft of the proposed rule was available. The workshop was held on February 22, 2005, but there were no public attendees.

SUMMARY: The proposed rule generally provides procedures and standards for conducting manual recounts of touchscreen voting systems and makes other technical conforming changes. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 102.166 FS.

LAW IMPLEMENTED: 102.166 FS.

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

DATE AND TIME: 3:00 p.m., Monday, June 13, 2005

PLACE: Department of State, R. A. Gray Building, Heritage Hall, Tallahassee, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Nancy Whitfield, (850)245-6262, at least three (3) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews, Division of Elections, Office of General Counsel, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.031 Recount Procedures.

(1) General applicable provisions.

(a) All procedures relating to machine and manual recounts shall be open to the public.

(b)(2) At least two members of the county canvassing board shall be present during all times a machine or manual recount is being conducted.

~~(c)(3)~~ All recounts are to be ordered by the respective county canvassing board or canvassing commission responsible for certifying the results of the race or races being recounted.

(d) In a machine recounts ordered by the county canvassing board, such board shall notify the candidates or committees in the affected race or races that a machine recount will be conducted. If a machine recount is ordered by the Elections Canvassing Commission, the Division of Elections shall notify the candidates or committees in the affected race or races that a machine recount will be conducted. In addition, notice of all machine recounts shall be posted on the door of the public entrance to the building where the office of the supervisor of elections is housed so that the notice is accessible to the public 24 hours a day.

(e) In all manual recounts, after the completion of a manual recount, the county canvassing board shall examine the ballots that were not allocated to any candidate or issue choice to determine if revisions are necessary to Rule 1S-2.027, F.A.C., (Clear Indication of Voter’s Choice on a Ballot) and shall notify the Division of Elections if revisions are necessary.

(f) All machine and manual recounts conducted pursuant to this Rule must be completed in such a manner as to provide the county canvassing board sufficient time to comply with the provisions of Section 102.112, F.S. Any returns not received by the department by the time specified in subsection (2) of Section 102.112, F.S., shall be ignored and the results on file at that time shall be certified by the department.

(g)(4) As used in this rule, the term:

1. “Ballot image” means an electronic record of the content of a ballot cast by a voter and recorded by the voting device.

2. “Ballot image report” means the printout of ballot images for each machine or precinct generated pursuant to subparagraph (4)(b)1.

3. “Complete canvass report” means the voting system report from the machine recount that contains the results for each contest in each precinct (such report includes the total votes for each candidate or issue, the total number of undervotes and overvotes for each candidate or issue, and the total ballots cast for each race or issue).

4. “Overvote” means that the elector designated more names than there are persons to be elected to an office or designated more than one answer to a ballot issue.

5. “Undervote” means that the tabulator recorded no vote for the office or ~~issue question~~ or that the elector did not designate the number of choices allowed for the office or issue race.

(2)(5) Machine Recounts shall be conducted as follows:

~~(a) The canvassing board responsible for ordering the machine recount shall be responsible for notifying the candidates or committees in the affected race or races that a machine recount will be conducted. In addition, notice of the~~

~~machine recount shall be posted on the door of the public entrance to the building where the supervisor of elections office is housed so that the notice is accessible to the public 24 hours a day.~~

~~(a)(b) Optical Scan Ballot Machine Recounts.~~

The following procedures apply to machine recounts of optical scan ballots involving all county, multicounty, federal or statewide offices or issues required by law to be recounted:

1. The tabulating equipment being used in the recount must be tested pursuant to the provisions of Section 101.5612, F.S. The county canvassing board may, but is not required to, use the same tabulating equipment that ballots were originally tabulated on. If the test shows no error, the county canvassing board shall proceed with the machine recount ~~the results of the machine recount shall be deemed correct.~~ If the test indicates an error, the county canvassing board shall correct the error and proceed with repeat the machine recount.

2. Procedure when only one race is being recounted or where more than one race is being recounted and the voting system will allow for the sorting of overvotes and undervotes in more than one race at the same time:

a. The supervisor of elections shall change the election parameters so that the recounted race or races will be tabulated and so that ballots containing overvotes and undervotes in the recounted race or races can be sorted from the other ballots during the machine recount.

b. The county canvassing board or its representatives shall put each ballot through the tabulating equipment and determine the votes in the recounted race or races. During this process, the overvoted and undervoted ballots in the recounted race or races must be sorted.

c. Sorted ballots shall be placed in a sealed container or containers until it is determined whether a manual recount will be conducted. Seal numbers shall be recorded at the time the ballots are placed in the containers.

3. Procedure when more than one race is being recounted by machine and the voting system does not allow the sorting of overvotes and undervotes on more than one race at a time:

a. The county canvassing board or its representatives shall put each ballot through the tabulating equipment and determine the votes in the affected races.

b. The county canvassing board shall produce vote counts for those races involved in the machine recount.

c. Prior to a manual recount being conducted, the supervisor of elections shall change the election parameters and the ballots for the manually recounted race or races shall be put back through the tabulating equipment and overvotes and undervotes for each race shall be sorted separately.

~~(b)(c) Touchscreen Ballot Machine Recounts.~~

The following procedures apply to machine recounts of touchscreen ballots involving all county, multicounty, federal or statewide offices or issues required by law to be recounted:

1. The county canvassing board shall be required to produce printed vote totals for the affected race or races for each precinct and early voting site.

2. The county canvassing board shall verify that the total votes for the recounted race or races taken from the printed vote totals for each precinct and early voting site are the same as the total votes shown on the county totals from election night. If there is a discrepancy, the county canvassing board shall investigate and resolve the discrepancy.

(3)(6) Optical Scan Ballot Manual Recount.

The following procedures apply to manual recounts of optical scan ballots involving all county, multicounty, federal or statewide offices or issues required by law to be recounted:

(a) Ballots with overvotes and undervotes shall be transported to the location of the manual recount by two members of the county canvassing board and a sworn law enforcement officer. From the time the manual recount is started until completion of the recount, including times of recess, the ballots shall be guarded by a sworn law enforcement officer.

(b) If the manual recount is ordered by the Elections Canvassing Commission, the Division of Elections Commission shall notify the candidates and chairmen of the state executive committee of the political parties, if applicable, entitled to representatives or the chairmen of the political committees, if any, in the case of a ballot issue, that a manual recount has been ordered. The candidates or chairmen are responsible for contacting the supervisor of elections in each county involved in the manual recount to find out when and where the recount will be conducted and the number of representatives such candidate or committee is entitled to have present during the manual recount process.

(c) If the manual recount is ordered by the county canvassing board, the supervisor of elections shall notify the candidates and chairmen of the county executive committee of the political parties, if applicable, entitled to representatives or the chairmen of the political committees, if any, in the case of a ballot issue, that a recount has been ordered and shall provide information regarding the time and the place of the Manual recount and the number of representatives such candidate or committee is entitled to have present during the manual recount process.

(d) In addition, each county canvassing board shall provide public notice of the time and place of the manual recount immediately after determining the need for a manual recount pursuant to Section 102.166, F.S. The notice shall be in either a newspaper of general circulation in the county or posted in at least four conspicuous locations in the county. Because of the time constraints in conducting the manual recount, the canvassing board shall also contact media outlets in the community so that the public is made aware of the recount as soon as possible. The manual recount shall begin as

soon as practicable in order for the recount to be concluded in time for the certification of results to be submitted pursuant to Section 102.112, F.S.

(e) The manual recount shall be conducted in a room large enough to accommodate the necessary number of counting teams, the canvassing board members and representatives of each candidate, political party or political committee entitled to have representatives. Members of the public and the press (observers) shall be allowed to observe the recount from a separate area designated by the county canvassing board, which area may be outside of the actual recount area but which will allow the observers to view the activities. In addition to the sworn law enforcement officer guarding the ballots, there shall be a sworn law enforcement officer to keep order in and around the recount area.

(f) The county canvassing board shall determine the number of overvotes and undervotes to be manually recounted. If the recount involves candidates or issues on a statewide or multicounty basis, each county canvassing board shall notify the Elections Canvassing Commission of the number of overvotes and undervotes in the county for the affected race. Any candidate whose ultimate success or failure in the race could be adversely or favorably impacted by the manual recount, presuming recount results most favorable and least favorable to the candidate, shall be entitled to representatives at the recount as provided in paragraph (g). ~~In addition, in any primary where more than one candidate may proceed to a subsequent primary or general election, the candidates receiving the highest and second highest number of votes shall be entitled to representatives as provided in paragraph (g) at the recount if the recount could result in those candidates switching positions in the official returns.~~

(g) Each candidate entitled to representatives as outlined in paragraph (f) is entitled to a number of representatives equal to the number of counting teams plus an additional representative for the county canvassing board. If the race being recounted is a partisan race, each political party with candidates entitled to representatives is entitled to one representative. Each candidate or political party entitled to representatives must provide a list of the names of each representative designated.

(h) In order to be entitled to representatives at the manual recount, a political committee supporting or opposing a ballot issue which is being recounted must have provided in its statement of organization, on file before the election, that the committee is specifically supporting or opposing the issue in question. If more than one committee is registered as supporting or opposing the issue, each side shall be entitled to one representative per counting team plus one for the county canvassing board, regardless of the number of committees supporting or opposing the ballot issue. The county canvassing board shall notify each committee chairman of the number of representatives it is entitled to have present at the recount,

which shall be determined by taking the total number of representatives allowed and dividing it by the number of registered committees on that side of the issue. The committee chairman must provide a list of the names of each representative designated.

(i) In the case of a manual recount regarding the retention of a judicial candidate, the judicial candidate is entitled to representatives equal to the number of counting teams plus an additional representative for the county canvassing board. If there are political committees organized to oppose the retention of such judicial candidate, those committees are entitled to representatives pursuant to paragraph (h).

(j) Representatives and observers must not interfere with or disturb the recount in any way. If the conduct of the representatives or observers impedes the recount process, the recount will stop until the situation is corrected. If the disturbance continues, upon majority vote of the county canvassing board, the persons causing the disturbance shall be removed from the premises by the law enforcement officer charged with maintaining order at the recount.

(k) Prior to the beginning of the manual recount, the county canvassing board, the members of the counting teams and the representatives entitled to be present, shall jointly review the rules and statutes governing recount procedures and what constitutes a clear indication that the voter has made a definite choice ~~voter intent with the members of the counting teams and with the representatives entitled to be present~~. At the beginning of the manual recount, the seal numbers on the containers shall be announced as they are broken and compared to the numbers previously recorded.

(l) Each counting team shall review the ballots before them to determine if there is or is not a clear indication that the voter has made a definite choice, as specified in Rule 1S-2.027, F.A.C. If the counting team is unable to make the determination, or if there is an objection to the decision of the counting team by a designated representative, the ballot shall be set aside for the county canvassing board's determination.

(m) Each counting team shall place the ballots in stacks indicating:

1. Votes for each candidate or issue choice;
2. Ballots which the counting team has determined there is no clear indication that the voter made a definite choice for an office or ballot question; and
3. Ballots to be set aside for the county canvassing board's determination.

(n) The counting team shall count and record the number of votes for each candidate or issue choice, the number of ballots which the counting team has determined there is no clear indication that the voter made a definite choice, and the number of ballots which are to be given to the canvassing board for its determination and shall submit those totals to the county canvassing board.

(o) Each ballot set aside because the counting team was unable to make a determination that there is a clear indication that the voter has made a definite choice must be placed in a separate envelope with a notation of the precinct number, why the team was unable to make the determination, and the names of the members of the counting team. If a ballot was set aside because of an objection to the decision of the counting team by a representative, the envelope must contain the precinct number, the names of the members of the counting team, the counting team's initial determination, the reasoning behind the challenge and the name and representative capacity of the person bringing the challenge.

(p) The county canvassing board shall review each ballot set aside to determine if there is or is not a clear indication that the voter has made a definite choice, as specified in Rule 1S-2.027, F.A.C. All three members of the county canvassing board must be present for this determination and the determination must be by majority vote.

(q) The records of the manual recount shall detail the number of votes each candidate or issue choice received and the number of ballots not allocated to any candidate or issue choice. The county canvassing board shall then certify the number of votes for each candidate or issue choice by combining the totals on the machine during the sorting process with the totals of the manual recount.

(r) The activities of the county canvassing board in making determinations of ballots to be counted shall be recorded by either audio or audio/video tape. In addition, minutes of the manual recount shall be made and approved by the canvassing board. All tapes and minutes shall be made available to the public within 2 weeks of the time the canvassing board certifies the results of the election.

(s) If ballots were sorted for more than one race during the machine recount, the following additional procedures shall be used:

1. The election parameters shall be changed so that only overvoted and undervoted ballots for one recounted race will be sorted.
2. All ballots previously sorted pursuant to subparagraph (2)(a)2. ~~(5)(b)2.~~ shall be put back through the tabulating equipment to sort the ballots for the first manually recounted race.
3. If there is another race to be manually recounted, following the first manual recount, the sorted ballots from the first manually recounted race will be combined with the other sorted ballots.
4. The election parameters shall be changed to sort the overvoted and undervoted ballots for the next manually recounted race.
5. All previously sorted ballots shall be put back through the tabulating equipment to sort the ballots for the next manually recounted race.

6. The canvassing board shall make an identifying mark or notation on each sorted ballot, in an area that does not interfere with the counting of the ballot, to indicate that the ballot was a manually recounted ballot for a particular race.

(t) If ballots were not sorted during the machine recount, the following procedures shall be used:

1. The election parameters shall be changed so that overvotes and undervotes in the first manually recounted race are identified and sorted for manual review.

2. Following the manual recount, if there is another race to be recounted, the sorted ballots from the first manual recount must be placed back in with the other ballots. The election parameters shall be changed to identify and sort ballots for the next manually recounted race.

3. The canvassing board shall make an identifying mark or notation on each sorted ballot, in an area that does not interfere with the counting of the ballot, to indicate that the ballot was a manually recounted ballot for a particular race.

(4) Touchscreen Ballot Manual Recount.

Pursuant to Section 102.166, F.S., the purpose of the review of overvotes and undervotes in a manual recount is for the county canvassing board to determine whether such review of an overvoted or undervoted ballot cast by a voter in the recounted race or issue reveals a “clear indication on the ballot that the voter has made a definite choice.”

(a) The following standards apply in a manual recount of overvotes and undervotes as provided specifically by Section 102.166, F.S., on a touchscreen voting system, to determine whether there is a clear indication on the ballot image report that the voter has made a definite choice:

1. A clear indication on the ballot that the voter made a definite choice not to cast an overvote shall be determined by the presence on the ballot image of a selection in the race or issue or of an indication of an undervote in the manner proscribed by subparagraph 2. Touchscreen voting systems do not permit a voter to cast an overvote; therefore, the canvassing board shall accept the machine recount as conclusive that there are no overvotes in the manually recounted race or issue.

2. The clear indication that the voter has made a definite choice to undervote shall be determined by the presence of the marking, or the absence of any marking, that the manufacturer of the certified voting system indicates shall be present or absent to signify an undervote. The following represents the manufacturer indicated markings of an undervote for each respective certified voting system:

a. ES&S iVotronic touchscreen voting system. A clear indication that the voter made a definite choice to undervote shall be determined by the word “undervote” on the ballot image for the affected race or issue, as illustrated in Form DS-DE 72, eff. 10/04, hereby incorporated herein by reference and available from the Division of Elections, and as may be amended.

b. Sequoia touchscreen voting system. A clear indication that the voter made a definite choice to undervote shall be determined by the absence on the ballot image of any numeric codes designated for the candidates or choices for the affected race or issue, or by the presence on the ballot image of less than the maximum number of numeric codes that may be present for any affected race in which the voter is permitted to select more than one candidate, each as illustrated in Form DS-DE 72, eff. 10/04, hereby incorporated herein by reference and available from the Division of Elections, and as may be amended.

c. Diebold touchscreen voting system. A clear indication that the voter made a definite choice to undervote shall be determined by the absence of an “X” within the brackets ([]) located next to the candidates or choices for the affected race or issue, or by the presence on the ballot image of Xs within the brackets located next to the candidates for the affected race which total a number less than the number of candidates for which the voter is permitted to cast a vote, each as illustrated in Form DS-DE 72, eff. 10/04, hereby incorporated herein by reference and available from the Division of Elections, and as may be amended.

3. If a voter marks fewer candidates than there are positions to be elected for those offices, the votes for all of those marked candidates shall count. For example, if the voter is allowed to vote for 5 candidates in a special district election (“Vote for 5”) and the voter marks 2 candidates, the votes for those two marked candidates shall count.

(b) The following procedures apply to manual recounts of undervotes on touchscreen voting systems involving all county, multi-county, federal or statewide offices or issues required by law to be recounted:

1. The county canvassing board shall order the printing of one (1) official copy of the ballot image report from each touchscreen voting machine that has recorded undervotes for the affected race or issue. If the certified system does not permit the printing of a ballot image report by touchscreen voting machine, then the canvassing board shall order the printing of the ballot image report for each precinct and early voting site that has recorded undervotes for the affected race or issue. The ballot image report for each certified voting system shall be substantially in the form provided in Form DS-DE 72, eff. 10/04, hereby incorporated herein by reference and available from the Division of Elections, and as may be amended. If the certified voting system is capable of electronic sorting and identifying of undervotes, the canvassing board must order the printing of the ballot image report using such capabilities. The county supervisor of elections shall maintain a custody log for each ballot image report and otherwise assure that the ballot image report remains secure and free of tampering at all times.

2. The ballot image report shall be examined by the counting teams for the race or issue being recounted to identify and highlight ballot images containing undervotes for the affected race or issue and to determine if there is a clear indication on the ballot image containing the undervote that the voter made a definite choice. A certified voting system that includes a means for electronically sorting and identifying undervotes must be used to identify and highlight ballot images with undervotes in place of the counting team process.

3. If an objection is made by a representative (designated pursuant to paragraphs (f)-(i) of subsection (3) of this Rule) to a decision of the counting team, an attachment shall be made to the ballot image report that contains the names of the members of the counting team, the counting team's initial determination, the reasoning behind the objection, and the name and representative capacity of the person making the objection. An objection must be based solely on departures from the procedures outlined in this rule for determining the clear indication on the ballot that the voter has made a definite choice to undervote.

4. All objections pursuant to this subsection must be resolved by the county canvassing board. If the canvassing board determines that the counting team departed from the procedures outlined in this rule for determining the clear indication on the ballot that the voter has made a definite choice to undervote, then the canvassing board shall correct such departure by applying the applicable standard.

5. The counting teams shall maintain a running tally of the number of undervotes totaled per touchscreen voting machine in each precinct. After a review of ballot image reports containing undervotes from the voting machine or the precinct, the counting team shall tabulate the total number of undervotes for such precinct. The counting teams shall compare the total number of undervotes manually recounted for each precinct to the total number of undervotes reported by the voting system in the complete canvass report for each precinct.

6. If the comparison of the undervotes in the manual recount matches the total number of undervotes reported for such precinct in the complete canvass report, then the counting team shall certify the results of the machine recount to the canvassing board. If there is a discrepancy between the number of undervotes in the manual recount and the machine recount, then the counting teams shall re-tabulate the number of undervotes for such precinct up to two additional times to resolve such discrepancy. If, after re-tabulating the number of undervotes for each such precinct, the discrepancy remains, then the county canvassing board shall investigate and resolve the discrepancy with respect only to such precinct. In resolving the discrepancy, the canvassing board shall review the records produced by the voting system and may request the verification of the tabulation software as provided in Section 102.141(5)(b), F.S., and conduct any necessary diagnostic examinations; provided, however, that in no event shall the

county canvassing board order or conduct any diagnostic examination that may result in the clearing of any vote totals or in any way affecting the memory of machine.

7. All three (3) members of the county canvassing board must be present for any determination or decision made pursuant to this subsection and the determination or decision must be by majority vote.

8. The following provisions of this rule also apply to manual recounts of touchscreen voting systems:

a. If the manual recount is ordered by the Elections Canvassing Commission, the Division of Elections shall notify the candidates and chairmen of the state executive committee of the political parties, if applicable, entitled to representatives or the chairmen of the political committees, if any, in the case of a ballot issue, that a manual recount has been ordered. The candidates or chairmen are responsible for contacting the supervisor of elections in each county involved in the manual recount to find out when and where the recount will be conducted and the number of representatives such candidate or committee is entitled to have present during the manual recount process.

b. If the manual recount is ordered by the county canvassing board, the supervisor of elections shall notify the candidates and chairmen of the county executive committee of the political parties, if applicable, entitled to representatives or the chairmen of the political committees, if any, in the case of a ballot issue, that a recount has been ordered and shall provide information regarding the time and the place of the manual recount and the number of representatives such candidate or committee is entitled to have present during the manual recount process.

c. In addition, each county canvassing board shall provide public notice of the time and place of the manual recount immediately after determining the need for a manual recount pursuant to Section 102.166, F.S. The notice shall be in either a newspaper of general circulation in the county or posted in at least four conspicuous locations in the county. Because of the time constraints in conducting the manual recount, the canvassing board shall also contact media outlets in the community so that the public is made aware of the recount as soon as possible. The manual recount shall begin as soon as practicable in order for the recount to be concluded in time for the certification of results to be submitted pursuant to Section 102.112, F.S.

d. The manual recount shall be conducted in a room large enough to accommodate the necessary number of counting teams, the canvassing board members and representatives of each candidate, political party or political committee entitled to have representatives. Members of the public and the press (observers) shall be allowed to observe the recount from a separate area designated by the county canvassing board, which area may be outside of the actual recount area but which will allow the observers to view the activities. In addition to

the sworn law enforcement officer guarding the ballots, there shall be a sworn law enforcement officer to keep order in and around the recount area.

e. The county canvassing board shall determine the number of undervotes to be manually recounted. If the recount involves candidates or issues on a statewide or multicounty basis, each county canvassing board shall notify the Elections Canvassing Commission of the number of undervotes in the county for the affected race. Any candidate whose ultimate success or failure in the race could be adversely or favorably impacted by the manual recount, presuming recount results most favorable and least favorable to the candidate, shall be entitled to representatives at the recount as provided in sub-subparagraph f.

f. Each candidate entitled to representatives as outlined in sub-subparagraph e. is entitled to a number of representatives equal to the number of counting teams plus an additional representative for the county canvassing board. If the race being recounted is a partisan race, each political party with candidates entitled to representatives is entitled to one representative. Each candidate or political party entitled to representatives must provide a list of the names of each representative designated.

g. In order to be entitled to representatives at the manual recount, a political committee supporting or opposing a ballot issue which is being recounted must have provided in its statement of organization, on file before the election, that the committee is specifically supporting or opposing the issue in question. If more than one committee is registered as supporting or opposing the issue, each side shall be entitled to one representative per counting team plus one for the county canvassing board, regardless of the number of committees supporting or opposing the ballot issue. The county canvassing board shall notify each committee chairman of the number of representatives it is entitled to have present at the recount, which shall be determined by taking the total number of representatives allowed and dividing it by the number of registered committees on that side of the issue. The committee chairman must provide a list of the names of each representative designated.

h. In the case of a manual recount regarding the retention of a judicial candidate, the judicial candidate is entitled to representatives equal to the number of counting teams plus an additional representative for the county canvassing board. If there are political committees organized to oppose the retention of such judicial candidate, those committees are entitled to representatives pursuant to sub-subparagraph g.

i. Representatives and observers must not interfere with or disturb the recount in any way. If the conduct of the representatives or observers impedes the recount process, the recount will stop until the situation is corrected. If the disturbance continues, upon majority vote of the county

canvassing board, the persons causing the disturbance shall be removed from the premises by the law enforcement officer charged with maintaining order at the recount.

j. Prior to the beginning of the manual recount, the county canvassing board, the members of the counting teams and the representatives entitled to be present, shall jointly review the rules and statutes governing recount procedures and what constitutes a clear indication that the voter has made a definite choice.

k. The activities of the county canvassing board in making determinations of ballots to be counted shall be recorded by either audio or audio/video tape. In addition, minutes of the manual recount shall be made and approved by the canvassing board. All tapes and minutes shall be made available to the public within 2 weeks of the time the canvassing board certifies the results of the election.

~~(7) When a manual recount is ordered and touchscreen ballots are used, no manual recount of undervotes and overvotes cast on a touchscreen system shall be conducted since these machines do not allow a voter to cast an overvote and since a review of undervotes cannot result in a determination of voter intent as required by Section 102.166(5), F.S. In this case, the results of the machine recount conducted pursuant to paragraph (5)(c) shall be the official totals for the touchscreen ballots.~~

~~(8) Following a manual recount, the county canvassing board shall examine the ballots that were not allocated to any candidate or issue choice to determine if revisions to the voter intent rule are necessary and shall so notify the Division of Elections.~~

Specific Authority 102.166 FS. Law Implemented 102.166 FS. History--New 5-30-02, Amended 4-13-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria Matthews, Assistant General Counsel, Division of Elections, Department of State

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dawn Roberts, Director, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2005

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Course Requirements – Grades 6-12 Basic 6A-1.09412
and Adult Secondary Programs

PURPOSE AND EFFECT: The purpose of the rule amendment is to adopt course descriptions for intensive reading courses in middle and high school grades to include suggested time allocations and instructional activities, as well as alignment to

instruction grounded in scientifically based-reading research. The effect is the inclusion of course descriptions to provide intensive reading courses in middle and high school grades.

SUMMARY: This rule is amended to adopt course descriptions for intensive reading courses in middle and high school grades.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1001.03(1), 1011.62(1)(r) FS.

LAW IMPLEMENTED: 1001.42(7), 1003.42, 1011.62(1)(r) FS.

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

TIME AND DATE: 8:30 a.m., June 21, 2005

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Laura Openshaw, Director, Just Read, Florida!, 325 West Gaines Street, Tallahassee, Florida, (850)245-0503

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09412 Course Requirements – Grades 6-12 Basic and Adult Secondary Programs.

A course description directs district personnel by providing the essential content and course requirements for each course in grades 6-12 contained in the “Course Code Directory and Instructional Personnel Assignments” adopted by Rule 6A-1.09441, FAC. Course requirements approved by the State Board of Education are contained in the publication “2001-2002 Florida Course Descriptions for Grades 6-12/Adult, Basic Education” and “2005 Florida Course Descriptions for Grades 6-12/Adult, Basic Education” which are hereby incorporated by reference and made a part of this rule. District school boards of education are authorized, through local rules, to approve a variance of up to ten (10) percent of the course requirements of each course description. Copies of approved course descriptions may be obtained from the Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority 1001.03(1), 1011.62(1)(r) 229.565 FS. Law Implemented 1001.42(7), 1003.42, 1011.62(1)(r) 229.565, 229.592, 230.23(7), 233.165 FS. History—New 2-21-85, Formerly 6A-1.9412, Amended 1-29-86, 1-1-87, 9-6-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 6-6-93, 10-18-94, 8-28-95, 5-14-96, 9-15-97, 10-13-98, 5-3-99, 5-3-01, 10-16-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Laura Openshaw, Director, Just Read, Florida!

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commissioner of Education John L. Winn

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2005

DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: April 22, 2005

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Educational Facilities
 RULE NO.: 6A-2.0010

PURPOSE AND EFFECT: This rule is amended to ensure consistency with class size reduction requirements pursuant to Section 1 of Article IX of the State Constitution as amended November 2002 limiting the maximum number of students assigned to a teacher in core-curricula classrooms to 18 in grades PK-3, 22 in grades 4-8, and 25 in grades 9-12. The effect will be a rule which is consistent with law.

SUMMARY: Volume I, State Requirements for Educational Facilities (SREF) 1999 is amended and the 2005 Addendum to State Requirements for Educational Facilities adopted to reflect necessary changes due to changes in governing law. Specifically: Section 2.1 Educational Facilities Finance, requires financial data for construction costs and other financial reports to be submitted to the Office of Educational Facilities; Section 4.3 Documents and Submittals, requires construction and inspection document submittals to the Office of Educational Facilities for projects of \$200,000 or more by school districts and community colleges; Section 6.1, Size of Space and Occupant Design Criteria Table A, changes the per student square footage allocation for determining educational facilities classroom sizes per occupant in core-curricula classrooms and the size of some related spaces to implement the constitutional class size mandate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: Section 1(a) Article IX, State Constitution, 1001.02(1), 1013.02(2), 1013.37 FS.

LAW IMPLEMENTED: Section 1(a) Article IX, State Constitution, 50.011, 50.021, 50.031, 50.041, 50.051, 50.061, 50.071, 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, 1301.01, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS.

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

TIME AND DATE: 8:30 a.m., June 21, 2005

PLACE: 325 West Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Spessard Boatright, Director, Office of Educational Facilities, 325 West Gaines Street, Room 1054, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-2.0010 Educational Facilities.

Commissioner of Education requirements adopted pursuant to Chapter 120, Florida Statutes, to implement the State Uniform Building Code for Public Educational Facilities Construction in Chapter 1013 235, Florida Statutes, are contained in the Department of Education publication titled "State Requirements for Educational Facilities, 1999 Volume I-Process, ~~and~~ Volume II-Building Code, and 2005 Addendum to State Requirements for Educational Facilities" which are ~~is~~ hereby incorporated by reference and made a part of this rule. All educational and ancillary facilities constructed by a school board or community college board shall comply with the State Uniform Building Code for Public Educational Facilities Construction (UBC). The UBC shall supersede any other code adopted by a board, or any other building code or ordinance, for the construction of educational and ancillary facilities and plants whether at the local, county, or state level rule. After January 1, 2001, the UBC will be merged into the Florida Building Code.

(1) In addition to "State Requirements for Educational Facilities, 1999 Volumes I, ~~and~~ II, and 2005 Addendum to State Requirements for Educational Facilities" all, or the specific portions cited, of the following building codes are hereby incorporated by reference and made a part of this rule. If there should be conflicting requirements between these codes and "State Requirements for Educational Facilities, 1999 Volumes I, ~~and~~ II, and 2005 Addendum to State Requirements for Educational Facilities" the more, or most stringent requirement shall apply.

(a) ACI 318-95, American Concrete Institute, "Building Code Requirements for Structural Concrete and Commentary" 1995, and ACI 530-92, Building Code Requirements for Masonry Structures.

(b) AHERA. Asbestos Hazard Emergency Response Act, 40 CFR, Part 763, as revised July 1, 1995.

(c) AISC. American Institute of Steel Construction Allowable Stress Design(Manual of Steel Construction), Ninth Edition, adopted by SBC.

(d) AISI. American Iron and Steel Institute, Specifications for the Design of Cold-Formed Steel Structure Members August 1986 Edition with December 1989 Addendum.

(e) ANSI. American National Standards Institute. References to ANSI standards shall be the 1995 edition.

(f) ASCE. American Society of Civil Engineers. References to ASCE 7-98 standards shall be the edition listed in the "State Requirements for Educational Facilities, 1999."

(g) ASHRAE. American Society of Heating, Refrigeration, and Air Conditioning Engineers.

(h) ASTM. American Society for Testing Materials. References to ASTM standards shall be the edition listed in the 1997 edition of the ASTM standards.

(i) DCA. Department of Community Affairs.

1. Florida Americans With Disability Implementation Act, 1993 and the Florida Accessibility Code for Building Construction, October 1997 as adopted by the State Board of Building Codes and Standards which has become the Florida Building Commission.

2. Florida Energy Efficiency Code for Building Construction (FEEC), 1998 Revisions to the 1997 Edition, as adopted by the State Board of Building Codes and Standards under Rule 9B-3.047, F.A.C.

(j) DOT – AASHTO, American Association of State Highway and Transportation Officials "Standard Specifications for Highway Bridges (1990 English Edition; 1994 Metric Edition) as modified by Florida DOT Structures Design Guidelines for Load and Resistance Factor Design" Revised January 1, 1999, as incorporated by reference in Chapter 14, F.A.C.

(k) FEMA. Federal Emergency Management Agency. Rules and Regulations 44 CFR, Parts 59 and 60, revised as of October 1, 1995, for flood plain criteria governing insurability of facilities constructed in flood plain.

(l) NEC. National Electrical Code, 1999 (NFPA 70).

(m) NFPA. National Fire Protection Association, 1997, NFPA 101, and other NFPA codes as applicable. Exceptions are NFPA 101 Sections 10-2.27 and 10-7.2.27 "Exit Passageways" and where NFPA codes are exceeded by these State Requirements.

(n) OSHA. Occupational Safety and Health Administration, U.S. Department of Labor, 29 CFR as Revised July 1, 1995.

(o) SBC. Standard Building Code, 1997 as adopted by the Department of Community Affairs, except as may be superseded by these State Requirements.

(p) SGC. Standard Gas Code, 1997.

(q) SMC. Standard Mechanical Code, 1997.

(r) SPC. Standard Plumbing Code, 1994 with 1995/96 Revisions.

(s) TMS. The Masonry Society Standards, 1992; TMS 602-92, TMS 402-92.

(2) Copies of the publication "State Requirements for Educational Facilities, 1999 Volumes I, ~~and~~ II, and 2005 Addendum to State Requirements for Educational Facilities" are available from the Office of Educational Facilities, Florida Department of Education, Room 1054, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, at a cost to be determined by the Commissioner, but which shall not exceed actual cost. Copies of the codes listed in subsection (1) of this rule are available from the publisher whose location and address are available from Educational Facilities. These codes are readily available to the public upon request at the cost established by the publisher.

Specific Authority Section 1(a) Article IX, State Constitution, Sections 1001.02(1), 1013.02(2), 1013.37 Section AXHS9(a), State Constitution; 215.61(5), 229.053(1), 230.23(9), 230.64, 235.01(2), 235.06, 235.19, 235.211, 235.26, 235.31, 235.32, 239.229, 240.327(1) FS. Law Implemented Section 1(a) Article IX, State Constitution, Sections 50.011, 50.021, 50.031, 50.041, 50.051, 50.061, 50.071, 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, 1301.01, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 Section AXHS9(a), State Constitution; 50.011, 50.021, 50.031, 50.041, 50.051, 50.061, 50.071, 215.61, 230.23(9), 230.33(12)(j), 230.64, 235.011, 235.014, 235.04(1), 235.05, 235.054, 235.055, 235.056, 235.057, 235.06, 235.15, 235.18, 235.19, 235.193, 235.195, 235.211, 235.26, 235.30, 235.31, 235.32, 235.321, 235.34, 235.41, 235.42, 235.435, 236.13, 236.25, 236.35, 236.36, 236.37, 236.49, 237.01, 237.031, 237.40, 239.229, 240.209(3)(a), 240.295, 240.299, 240.319(3)(e), (f), 240.327, 240.331, 255.0515, 255.20, 267.061, 287.055, 287.0935, 287.133, 440.02, 440.03, 440.10, 440.103, 440.38, 442.004, 442.006, 442.007, 442.0105, 422.019, 422.022, 442.101, 442.109, 442.115, 471.003, 481.229, 489.113(2), 489.125, 553.63, 553.64, 553.71, 553.79, 553.80, 633.025 FS. History—New 10-30-94, Amended 4-28-97, Formerly 6A-2.0111, Amended 1-5-00, Formerly 6-2.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Spessard Boatright, Director, Office of Educational Facilities
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Champion, Assistant Deputy Commissioner for Finance and Operations, Department of Education
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 29, 2005

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

**AGENCY FOR HEALTH CARE ADMINISTRATION
Cost Management and Control**

RULE TITLE: Bone Marrow Transplantation
PURPOSE AND EFFECT: The Agency proposes an amendment to bone marrow transplantation procedures. The proposed revisions would reflect recommendations of the Bone Marrow Transplantation Panel based on review of current research findings, as required by Section 627.4236(3)(e), Florida Statutes.
SUMMARY: The proposed changes are based on the recommendations of the Bone Marrow Transplant Panel from their November 11, 2004 meeting.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.
Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 627.4236 FS.
LAW IMPLEMENTED: 627.4236 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
TIME AND DATE: 2:00 p.m. – 3:00 p.m., June 13, 2005
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room 3218, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dennis Halfhill, Agency for Health Care Administration, Bureau of the Chief Medical Officer, 2727 Mahan Drive, Building 3, Mail Stop 1, Tallahassee, Florida 32308, (850)921-5505

THE FULL TEXT OF THE PROPOSED RULE IS:

59B-12.001 Bone Marrow Transplantation.

(1) Upon the recommendation of the Bone Marrow Transplant Panel, each of the following procedures is considered accepted within the appropriate oncological specialty and not experimental for the purposes of Section 627.4236, F.S. Bone marrow transplant refers collectively to hematopoietic stem cell transplantation using stem cells that are collected from peripheral blood and cord blood as well as bone marrow. As used in this rule, the term "appropriate oncological specialty" means that where a particular kind of tumor or disease is usually treated by a subspecialty group within the general discipline of oncology, those who practice within that subspecialty have had specific input into the decision making process:

- (a) Autologous bone marrow transplant for acute myelogenous leukemia (stem cells collected in remission);
- (b) Allogeneic bone marrow transplant for acute myelogenous leukemia (~~family related donor with 5/6 or 6/6 match~~);
- (c) Autologous bone marrow transplant for acute lymphoblastic leukemia (stem cells collected in remission);
- (d) Allogeneic bone marrow transplant for acute lymphoblastic (~~family related donor with 5/6 or 6/6 match~~);
- (e) Allogeneic bone marrow transplant for chronic myelogenous leukemia (~~family related donor with 5/6 or 6/6 match~~);
- (f) Autologous bone marrow transplant for Hodgkin's disease;
- (g) Autologous bone marrow transplant for Non-Hodgkin's lymphoma, ~~except low grade (small lymphocytic, follicular small cleaved cell, follicular mixed cell types~~;

(h) ~~Allogeneic bone marrow transplant for Non-Hodgkin's lymphoma, except low grade (small lymphocytic, follicular small cleaved cell, follicular mixed cell types (family related donor with 5/6 or 6/6 match);~~

(i) Autologous bone marrow transplant for Ewing's sarcoma, chemotherapy sensitive after first relapse;

(j) Autologous bone marrow transplant for Neuroblastoma;

~~(k) Autologous bone marrow transplant for breast carcinoma, stage II (8 or more nodes positive);~~

~~(l) Autologous bone marrow transplant for breast carcinoma, stage IIIa and IIIb;~~

~~(k)(m) Autologous bone marrow transplant for germ cell tumor, after failure of first therapy but not progressing on salvage therapy;~~

~~(l)(n) Autologous bone marrow transplant for multiple myeloma, (including double bone marrow transplant) and primary amyloidosis;~~

~~(m)(o) Allogeneic bone marrow transplant for myelodysplastic syndrome (family related donor with 5/6 or 6/6 match);~~

~~(n)(p) Autologous bone marrow transplant for PNET (including medulloblastoma and pinealoblastoma), chemotherapy sensitive after first relapse;~~

~~(o)(q) Autologous bone marrow for medulloblastoma and other PNET tumors, metastatic, at diagnosis;~~

(p) Allogenic bone marrow transplant for chronic lymphoblastic leukemia.

(2) Each of the following procedures is considered accepted within the appropriate oncological specialty and not experimental for the purposes of Section 627.4236, F.S., provided that the bone marrow transplantation procedure is performed in the context of a well-designed and conducted Phase II or Phase III clinical treatment trial as described in paragraph (3).

~~(a) Autologous bone marrow transplant for Non-Hodgkin's lymphoma, low grade (small lymphocytic follicular small cleaved cell, follicular mixed cell types);~~

~~(b) Allogeneic bone marrow transplant for Non-Hodgkin's lymphoma, low grade (small lymphocytic, follicular small cleaved cell, follicular mixed cell types) (family related donor with 5/6 or 6/6 match);~~

~~(a)(e) Autologous bone marrow transplant for chronic, myelogenous leukemia;~~

~~(b)(d) Autologous bone marrow transplant for chronic lymphoblastic leukemia;~~

~~(e) Allogeneic bone marrow transplant for chronic lymphoblastic leukemia (family related donor with 5/6 or 6/6 match);~~

~~(f) Allogeneic bone marrow transplant for Hodgkin's disease (family related donor with 5/6 or 6/6 match);~~

~~(c)(g) Autologous bone marrow transplant for plasma cell dyscrasias other than multiple myeloma (e.g. Waldenstrom's, amyloid);~~

~~(d)(h) Allogeneic bone marrow transplant for multiple myeloma and other plasma cell dyscrasias (e.g. Waldenstrom's, amyloid) (family related donor with 5/6 or 6/6 match);~~

~~(e)(i) Autologous bone marrow transplant for breast carcinoma, stage II, with four to seven nodes positive;~~

~~(j) Autologous bone marrow transplant for breast carcinoma, stage IV, except progressive (25 percent or greater increase in the size of measurable disease) despite therapy;~~

~~(k) Autologous bone marrow transplant for high grade astrocytoma, glioblastome multiforme, pediatric;~~

~~(f)(t) Autologous bone marrow transplant for Ewing's sarcoma, localized, greater than eight cm or metastatic at presentation;~~

~~(m) Autologous bone marrow transplant for small cell lung cancer, limited extent, in complete response;~~

~~(n) Autologous bone marrow transplant for ovarian carcinoma (epithelial), stage III and IV, chemosensitive relapse and consolidation of first response;~~

~~(g)(e) Autologous bone marrow transplant for soft tissue sarcoma (other than rhabdomyosarcoma), pediatric, after failure of first therapy;~~

~~(h)(p) Autologous bone marrow transplant for Wilms' tumor, at relapse;~~

~~(i)(q) Autologous bone marrow transplant for germ cell tumor, high risk, at diagnosis;~~

~~(r) Alternate donor Allogeneic bone marrow transplant for any of the indications in subsections (1) and (2) (unrelated donor, cord blood donor, or family related donor other than 5/6 or 6/6 match);~~

(j) Allogeneic bone marrow transplant for renal cell carcinoma;

(k) Multiple autologous bone marrow transplants for pediatric solid tumors;

(l) Allogeneic bone marrow transplant for Hodgkin's disease;

(m) Autologous bone marrow transplant for metastatic malignant melanoma.

(3) A well-designed and conducted clinical treatment trial is one which includes an IRB-approved written protocol. At a minimum, such protocol shall have specific criteria for evaluating the effect of treatment with defined endpoints that are precise, meaningful, and reliable and which allow valid conclusions to be drawn about therapeutic efficacy and safety. Protocols should include an adequate statistical section describing the method of randomization and stratification, if any, expected outcome parameters relating to response rates, time to progression, survival times and other relevant

information. Such clinical treatment trials shall be consistent with protocols reviewed and approved by the National Cancer Institute for scientific merit.

(4) It should be noted that there are non-malignant (not oncological) diseases that are genetic disorders, or that result in bone marrow failure or lead to immunodeficiency syndromes for which bone marrow transplantation may be appropriate. While these non-malignant diseases are not described in the preceding lists, there are generally accepted and appropriate indications for bone marrow transplantation in these cases. In addition, there are malignant diseases that are uncommon in their occurrence that also are not detailed in the above lists for which the appropriateness of bone marrow transplantation may be determined on a case by case basis.

Specific Authority 627.4236 FS. Law Implemented 627.4236 FS. History—New 11-9-95, Formerly 10D-127.001, Amended 9-26-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dennis Halfhill
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary, Agency for Health Care Administration
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 25, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Projects Subject to Review
PURPOSE AND EFFECT: The agency is proposing to amend the rule that outlines the projects subject to certificate of need (CON) batch and expedited review. The rule incorporates statutory changes to these two types of CON reviews, clarifies who may submit an application for expedited CON review and clarifies what the 30-mile radius is for a nursing home with an inactive license.

SUMMARY: The proposed amendment specifies the types of projects subject to comparative review and the types of projects subject to expedited review.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

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

LAW IMPLEMENTED: 408.033, 408.035, 408.036(1),(2), 408.037, 408.038, 408.039 FS

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

TIME AND DATE: 2:00 p.m. (EST), June 21, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.004 Projects Subject to Review.

(1) Projects Subject to a Comparative Review. Unless subject to expedited review under subsection 408.036(2), F.S., and subsection (2) of this rule, or exempted under subsection 408.036(3), F.S., and Rule 59C-1.005, F.A.C., the following projects are subject to comparative review and the batching cycle procedures specified in Rule 59C-1.008, F.A.C., and will be reviewed in accordance with procedures set forth in subsection 59C-1.010(3), F.A.C.:

(a) The addition of beds in community nursing homes or intermediate care facilities for the developmentally disabled (ICF/DD) by new construction or alteration, unless exempt pursuant to paragraph 408.036(3)(s), F.S.

(b) The new construction or establishment of additional health care facilities, including a replacement health care facility when the proposed project site is not located on the same site or within one mile of as the existing health care facility, if the number of beds in each licensed bed category will not increase and unless exempt pursuant to paragraph 408.036(1)(p), F.S.

(c) The conversion from one type of health care facility to another, including the conversion from a general hospital, a long-term care hospital or a specialty hospital provided the conversion to a specialty hospital is not subject to Section 395.003(9), F.S.

(d) An increase in the total licensed bed capacity for comprehensive rehabilitation unless exempt under paragraph 408.036(3)(i), F.S. of a health care facility.

(e) The establishment of a hospice or hospice inpatient facility.

(f) The establishment of inpatient tertiary health services by a health care facility, or a substantial change in such services.

(g) An increase in the number of beds for acute care in a hospital that is located in a low-growth county as defined in paragraph 408.036(1)(g), F.S. specialty burn units, neonatal

~~intensive care units, comprehensive rehabilitation, mental health services, hospital-based distinct part skilled nursing units, nursing home care, or at a long term care hospital.~~

~~(h) The establishment of tertiary health services.~~

(2) Projects Subject to Expedited Review. Unless reviewable under Section 408.036(1), F.S. above or exempted under subsection 408.036(3), F.S., the following projects are subject to expedited review, and will be reviewed in accordance with procedures set forth in subsection 59C-1.010(4), F.A.C.:

(a) Sheltered nursing home beds.

~~(b) Replacement of a health care facility at a site different from the existing facility, provided the site is located in the same district and within a 1 mile radius of the existing facility.~~

~~(c) Research, education and training programs.~~

~~(d) Shared services contracts or projects.~~

~~(b)(e) Transfer of a certificate of need except that when an existing hospital is acquired by a purchaser, all certificates of need issued to the hospital which are not yet operational shall be acquired by the purchaser, without need for a transfer.~~

~~(f) Conversion of hospital beds licensed for mental health services, a distinct part skilled nursing unit, or general acute care, as described in s. 408.036(2)(f), F.S.~~

(c) Replacement of a nursing home within the same district, if the proposed project site is located within a geographic area that contains at least 65 percent of the facility's current residents and is within a 30-mile radius of the replaced nursing home.

1. In the case of a nursing home with an inactive license, the facility shall address the 65 percent requirement through an identification of where its former residents resided.

2. The nursing home license holder is the only entity that may submit the application to replace the nursing home, pursuant to paragraph 59C-1.008(1)(h), F.A.C.

(d) Relocation of a portion of the nursing home's licensed beds to a licensed facility within the same district, if the relocation is within a 30-mile radius of the existing facility and the total number of nursing home beds in the district does not increase.

1. Applications submitted under this paragraph must be submitted by the licensed nursing home proposing to add the beds. Notarized letter from the facility from which the beds are being relocated must be submitted certifying that beds will be delicensed should the CON be awarded to the applicant.

2. The relocation of beds under this paragraph shall be limited to a portion of beds such that the occupancy rate of the remaining licensed beds of the facility from which beds are being relocated does not exceed 94 percent.

Specific Authority ~~408.034(6)(5)~~, 408.15(8) FS. Law Implemented ~~408.033, 408.035, 408.036(1)(2), 408.037, 408.038, 408.039~~ FS. History--New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 4-25-80, 2-1-81, Formerly 10-5.04, Amended 11-24-86, 11-17-87, 1-31-91, 1-1-92, Formerly 10-5.004, Amended 9-9-92, 1-9-95, 11-4-97, 12-12-00, 11-12-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rommel Bain, Health Services and Facilities Consultant
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Rivera, Consultant Supervisor

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2005

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Nursing Facility Beds
 RULE NO.: 59C-1.036

PURPOSE AND EFFECT: The agency is proposing to amend Rule 59C-1.036, F.A.C., which sets forth Certificate of Need review criteria for skilled nursing facility beds. Section 4 of Chapter 2004-383, Laws of Florida, revised Section 408.034(5), F.S., necessitating amendment of the rule.

SUMMARY: The rule is being amended to reflect changes to Section 408.034(5), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

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

LAW IMPLEMENTED: 408.034(3),(5), 408.036(1)(a) FS.

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

TIME AND DATE: 2:00 p.m. (EST), June 22, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.036 Nursing Facility Beds.

(1) through (3) No change.

(4)(a) No change.

(b) Summary of Need Formula. The need formula for nursing facility beds seeking licensure under Chapter 400, F.S., links the projected subdistrict need to a projected increase in the district need for beds licensed under Chapter 400, F.S. The district increase is based on the expected increase in the district population age 65 to 74 and age 75 and over, with the age

group 75 and over given 6 times more weight in projecting the population increase. The projected district bed need total is then allocated to its subdistricts consistent with the current subdistrict distribution of the total. The result for a given subdistrict is adjusted to reflect the current subdistrict occupancy of beds licensed under Chapter 400, F.S., and a desired standard of ~~94~~ percent occupancy. This subdistrict total of allocated beds is then reduced by the current number of Chapter 400, F.S., beds in the subdistrict that are licensed or approved, resulting in the net need for additional nursing facility beds to be licensed under Chapter 400, F.S. The rule also provides that if current occupancy of beds licensed under Chapter 400, F.S., is less than 85 percent, the net need in the subdistrict is zero regardless of whether the formula otherwise would show a net need.

(c)1. through 3. No change.

4. $SA = A \times (LBD/LB) \times (OR/.~~94~~)$

where:

SA is the subdistrict allocation of nursing facility beds to be licensed under Chapter 400, F.S., at the planning horizon.

LBD is the number of nursing facility beds licensed under Chapter 400, F.S., in the subdistrict as of January 1, for fixed bed need pools published between January 1 and June 30, or as of July 1 for fixed bed need pools published between July 1 and December 31.

OR is the average 6 month occupancy rate for nursing facility beds licensed in the subdistrict under Chapter 400, F.S. For fixed bed need pools published between January 1 and June 30, occupancy rates shall be based upon patient days in nursing facilities licensed under Chapter 400, F.S., for the 6 month period from July 1 through December 31 of the previous year; for fixed bed need pools published between July 1 and December 31, occupancy rates shall be based upon patient days in nursing facilities licensed under Chapter 400, F.S., for the 6 month period from January 1 through June 30 of the year the fixed bed need pool is published.

~~.94~~ equals the desired average 6 month occupancy rate for nursing facility beds licensed under Chapter 400, F.S., in the subdistrict.

5. No change.

(d) through (f) No change.

(5) No change.

Specific Authority 408.15(8), 408.034(~~6~~)(~~5~~) FS. Law Implemented 408.034(3), (~~5~~), 408.036(1)(a)(~~g~~) FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(k), Amended 8-9-92, Formerly 10-5.036, Amended 10-6-92, 8-24-93, 6-11-98, 4-7-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rommel Bain, Health Services and Facilities Consultant
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Rivera, Consultant Supervisor

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2005

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Forms
RULE NO.: 61B-15.0012

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to change the form entitled “Notice of Condominium Recording Information” to reflect the amendment to Rule 61B-17.001, F.A.C., which requires developers who have recorded a declaration of condominium but not filed it with the division to file a copy of the recorded condominium documents.

SUMMARY: As required by Sections 718.104(2) and 718.403(8), Florida Statutes, condominium developers must file condominium documents and amendments with the division within 120 days of recording. Developers must file condominium documents with the division prior to offering condominium units for sale or lease in accordance with Section 718.502, Florida Statutes. Those developers who create condominiums and record the condominium documents but do not offer units for sale or lease, must file the recorded documents with the division so that the division can ensure compliance with Chapter 718 and collect the statutory annual fees under Section 718.501(2), Florida Statutes. If the developer later offers units for sale in the ordinary course of business, the developer must comply with the filing and review requirements under Sections 718.403, 718.502, 718.503 and 718.504, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.104(2), 718.403(8), 718.501(2), 718.502, 718.503, 718.504 FS.

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

TIME AND DATE: 9:00 a.m., June 13, 2005

PLACE: Warren Building Meeting Room #B03, 201 W. Bloxham Street, Tallahassee, Florida

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO SHARON A. ELZIE, SENIOR MANAGEMENT ANALYST II, DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1030, WITHIN 21 DAYS OF THIS NOTICE. WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-15.0012 Forms.

(1) The forms prescribed for use by the division for submission of filings and documents are the following:

(a) through (b) No change.

(c) Notice of Condominium Recording Information, BPR Form CO 6000-1, incorporated herein by reference and effective 12-23-02;

(d) through (2) No change.

Specific Authority 718.501(1)(f), 718.502(1)(c), 718.621 FS. Law Implemented 718.403, 718.502, 718.503, 718.504, 718.618(8) FS. History--New 12-23-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Glenn, Chief of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 6, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 18, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Developer, Filing
 RULE NO.: 61B-17.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to require developers who have recorded a declaration of condominium but not filed it with the division to file a copy of the recorded condominium documents.

SUMMARY: As required by Sections 718.104(2) and 718.403(8), Florida Statutes, condominium developers must file condominium documents and amendments with the division within 120 days of recording. Developers must file condominium documents with the division prior to offering condominium units for sale or lease in accordance with Section 718.502, Florida Statutes. Those developers who create condominiums and record the condominium documents but do not offer units for sale or lease, must file the recorded documents with the division so that the division can ensure compliance with Chapter 718, Florida Statutes, and collect the statutory annual fees under Section 718.501(2), Florida Statutes. If the developer later offers units for sale in the ordinary course of business, the developer must comply with the filing and review requirements under Sections 718.403, 718.502, 718.503 and 718.504, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.104(2), 718.403(8), 718.501(2), 718.502, 718.503, 718.504 FS.

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

TIME AND DATE: 9:00 a.m., June 13, 2005

PLACE: Warren Building, Meeting Room #B03, 201 W. Bloxham Street, Tallahassee, Florida

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO SHARON A. ELZIE, SENIOR MANAGEMENT ANALYST II, DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1030, WITHIN 21 DAYS OF THIS NOTICE. WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-17.001 Developer, Filing.

(1)(a) Except in the case of a reservation program, a developer of a residential condominium shall file with the Division one copy of each document required by Sections 718.502(5), 718.503, and 718.504, Florida Statutes. The filing shall occur ~~at the time the condominium is created pursuant to Section 718.104, Florida Statutes, or~~ prior to any offering of a condominium unit to the public, ~~whichever occurs first~~. The developer shall submit with the filing a Developer/Condominium Filing Statement, DBPR Form CO 6000-2, referenced in Rule 61B-15.0012, F.A.C. When each subsequent phase is filed, the developer shall submit DBPR Form CO 6000-3, Filing Statement for Subsequent Phases, as referenced in Rule 61B-15.0012, F.A.C.

(b) through (2) No change.

(3) Upon recording the declaration of condominium pursuant to Section 718.104(2), Florida Statutes, or amendments adding phases pursuant to Section 718.403, Florida Statutes, the developer shall file the recording information with the Division within 120 working days on DBPR Form CO 6000-1, NOTICE OF CONDOMINIUM RECORDING INFORMATION, as referenced in Rule 61B-15.0012, F.A.C. If the recorded documents have not already been filed, reviewed, and approved by the Division in accordance with subsection (1) of this rule and sections 718.502(5), 718.503, and 718.504, Florida Statutes, prior to recording, then a complete copy of the recorded documents must be submitted with DBPR Form CO 6000-1, NOTICE OF CONDOMINIUM RECORDING INFORMATION. If the recorded documents have been previously filed, reviewed, and approved by the Division, then only the form need be filed.

(5) through (6) No change.

Specific Authority 718.501(1)(f), 718.502(1)(c) FS. Law Implemented 718.103(14), 718.104, 718.403, 718.502, 718.504(20) FS. History—New 11-15-77, Amended 7-22-80, 7-6-81, 8-31-83, 10-1-85, Formerly 7D-17.01, Amended 1-27-87, 7-10-88, Formerly 7D-17.001, Amended 2-22-94, 2-20-97, 4-14-99, 1-26-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Glenn, Chief of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 6, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 18, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Permitted Medications for Horses

RULE NO.: 61D-6.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to amend the Division’s rules regarding the race day administration of Salix to racehorses.

SUMMARY: This proposed rule addresses race day administration of Salix to racing horses. Specifically, the Division is amending rules regarding the following:

1. The time that a horse that is shipped in from another track or training facility, or other location, will be required to be in a permitholder’s receiving barn, and
2. Changes to the procedure by which reports of administration will be received and processed by the Division.

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

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

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251(3), 550.2415(8),(9),(13),(16) FS.

LAW IMPLEMENTED: 120.80(4)(a), 550.0251, 550.2415 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, June 16, 2005

PLACE: North Broward Regional Service Center, 1400 West Commercial Blvd., Room 195, Ft. Lauderdale, Florida 33309

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech

impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-6.008 Permitted Medications for Horses.

(1) through (2)(c)1. No change.

2. Second violation in a 12-month period \$1,000.00 fine and suspension of any division license up to 30 days;

3. through (3)(a) No change.

1. A "bleeder" shall be defined as a horse which demonstrates evidence of pulmonary hemorrhage within 3.0 hours of exercise as evidenced by fulminant bilateral epistaxis where endoscopic examination is not warranted, or by intratracheal evidence of pulmonary hemorrhage ascertained through endoscopic examination, either of which must be witnessed and certified in writing by a Florida licensed veterinarian ~~who is employed solely by a permit holder conducting pari-mutuel wagering in the State of Florida (the track veterinarian), or employed by the Division of Pari-Mutuel Wagering (the division veterinarian), or when the episode of exercise induced pulmonary hemorrhage cannot be witnessed by an official veterinarian, certification may be by two Florida practicing and licensed veterinarians, one of whom shall have no current employment affiliation with the owner of the animal being tested and who has no direct pecuniary interest in the racing animal being witnessed and certified.~~ Such certification shall be submitted to the division's Salix Ceordinator on BPR Form BPR 15-020, Bleeder's Certificate, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. Out-of-state horses racing in Florida must be witnessed in Florida as outlined above or must have been certified by the state/commission or association/track veterinarian from the previous state. Certification, in writing from the accredited College of Veterinary Medicine, will also be accepted if the horse has received a comprehensive cardio-pulmonary examination at an accredited College of Veterinary Medicine and as a result thereof is diagnosed with exercise induced pulmonary hemorrhage either viewed endoscopically after a treadmill exercise or via tracheal wash cytology and therefore found to require medication with furosemide in order to successfully compete.

2. Any horse on furosemide to be entered in a pari-mutuel racing event in the State of Florida shall not require re-certification if the horse has been certified as a "bleeder" and approved for the administration of furosemide by a racing jurisdiction utilizing certification procedures which are approved by the director of the Division of Pari-Mutuel Wagering in Florida. Documentation of certification from approved racing jurisdictions must be evidenced by an official letter signed by a track veterinarian or division/State Veterinarian stating that a horse has exhibited exercise induced pulmonary hemorrhage and as a result of such bleeding was determined to require the administration of furosemide prior to participation in pari-mutuel racing events.

3. A horse which has not exhibited external bleeding may be placed on the Furosemide List after the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interest to race with furosemide and so notify the State Veterinarian.

~~4.3.~~ It shall be the trainer's responsibility to provide the required documentation of certification to the Salix Ceordinator prior to entry of any horse ~~entered~~ to race on furosemide in a pari-mutuel event in the State of Florida. When the trainer cannot provide written documentation within 48 hours prior to the scheduled post time for the race, the trainer of the horse in question may personally attest in writing that the horse meets all eligibility requirements for the use of furosemide and request that the stewards waive the requirement for receipt of written documentation prior to racing the horse on furosemide. All requests for waiver must be submitted on BPR Form BPR 15-033, Salix Certification Waiver, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. The stewards then may allow the horse to race on furosemide and grant the trainer a reasonable period of time, not to exceed 10 days, to produce the necessary written documentation as required in paragraph (a) above.

~~5.4.~~ All purses, stakes, awards, or other prizes or compensation to be granted as a result of the subject horse's performance in the pari-mutuel event shall be withheld until such time as the trainer who attested to the horse's eligibility to race on furosemide has provided the required documentation. If the trainer fails to provide adequate documentation of the horse's eligibility, the subject horse will be disqualified and the trainer who represented the horse's eligibility to race on furosemide shall be suspended up to 10 days and fined \$500. Any purses, stakes, awards or other prize or compensation will be redistributed in accordance with the disqualification.

(b) When a horse exhibits a bleeding incident and goes on the Veterinarian's List, the horse is suspended beginning the first day after a bleeding incident is observed it is placed on the list. Horses placed on the Veterinarian's List for bleeding must remain suspended according to the following schedule:

1. ~~The first bleeding incident time after workout (exercise) or race in any racing jurisdiction – 14 days suspension from racing;~~

2. ~~A second bleeding incident within a 365-day period of a previous bleeding incident time after a race if racing without Salix in any racing jurisdiction – 30 14 days suspension from racing;~~

3. ~~Second time after a race if racing with Salix in any racing jurisdiction – 30 days suspension;~~

3.4. ~~A third bleeding incident within a 365-day period from two previous bleeding incidents time after a race in any racing jurisdiction – 180 days suspension from racing 6 months suspension; and~~

4.5. ~~A fourth bleeding incident within a 365-day period from three previous bleeding incidents time after a race in any racing jurisdiction – barred from racing in Florida.~~

The above schedule of suspensions commences the day immediately following a bleeding incident.

(c) Horses will be eligible to race on the day immediately following the completion of the suspension period. The owner or trainer of any horse placed on the ~~V~~veterinarian's ~~L~~List as a result of exercise induced pulmonary hemorrhage (bleeding) may elect to place the animal on Florida's official Furosemide (Salix) List. The official Furosemide List shall be maintained by the Salix ~~C~~Coordinator and shall be the official list of horses approved for racing with furosemide in Florida. Horses placed on the official Furosemide List must have furosemide administered on race day, at a dosage of 0.3 – 1.0 mg/kg (150 mg – 500 mg), administered intravenously (I.V.) no closer than 4 hours prior to the officially scheduled post time of the race for which the horse is entered. The furosemide must be administered by a veterinarian currently licensed pursuant to Chapters 474 and 550, Florida Statutes. Every race day administration of furosemide must be reported by the attending veterinarian to the division on BPR Form BPR 15-005, Veterinarian Report of Race-Day Salix Administration, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. BPR Form 15-005, Veterinarian Report of Race-Day Salix Administration, shall be delivered by the trainer or the trainer's designee to the Salix Coordinator/State Veterinarian at least two hours prior to the scheduled post-time of the horse's race. Failure to comply with this subsection shall result in the horse being scratched from the race in which it is entered.

(d) Horses racing on furosemide which ship in to run from centers, ~~or other pari-mutuel facilities, or other locations,~~ must be in the receiving barn no later than four hours prior to the post time of their officially scheduled race and have the furosemide (Salix) tag, BPR Form BPR 15-005 firmly attached to their halter. Any violation of this rule shall result in the trainer of the horse being subject to the following penalties:

1. First violation in a 12-month period – ~~\$300.00~~ \$100.00 fine;

2. Second violation in a 12 month period – ~~\$400.00~~ \$200.00 fine and the horse shall be scratched prior to the race;

3. Third violation in a 12-month period – ~~\$500.00~~ \$350.00 fine, suspension of license for 10 days, and the horse shall be scratched prior to the race;

4. Fourth or subsequent violation in a 12-month period – \$500.00 fine, suspension of license for 30 days, and the horse shall be scratched prior to the race. Horse scratched from race entered.

(e) Track security officers at the gate(s) through which horses arrive from other locations shall maintain a log depicting the horse's name, time of arrival, scheduled race number and post time. In the event that a horse arrives less than four hours prior to the scheduled post time for its race, the security officer shall notify the Stewards and Racing Secretary of the late arrival.

~~(f)~~(e) Horses placed on the official Furosemide List must remain on that list unless a trainer requests to remove a horse after consultation with and upon the advice of the horse's attending veterinarian. This request to discontinue use of furosemide must be submitted with a written verification from the bleeder horse's attending veterinarian to the Salix ~~C~~Coordinator no later than 48 hours prior to racing the horse without furosemide. Such requests shall be submitted on BPR Form BPR 15-025, Request To Discontinue Salix, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. Once a horse has been removed from the official Furosemide List, it shall not be placed back on the list until it exhibits exercise induced pulmonary hemorrhage in accordance with paragraphs (3)(a), (b) and (c) of this rule.

~~(g)~~(f) Horses are ineligible for furosemide/Salix use if they:

1. Have not been verified as exhibiting bleeding by exercise induced pulmonary hemorrhage certification or have not been certified by the attending veterinarian that the use of furosemide/Salix is in the best interest of the horse.

2. through 3. No change.

~~(h)~~(g) Certified bleeders that run in jurisdictions that do not allow the use of furosemide/Salix shall be allowed to run on furosemide/Salix upon returning to Florida without re-qualifying. Trainers shall notify the Salix ~~C~~Coordinator of the status of these horses prior to entry.

~~(i)~~(h) Certified bleeders that run in jurisdictions that allow furosemide/Salix usage, but do not run on furosemide/Salix, will be considered as bleeders "off Salix" and do not have to ~~must~~ re-qualify to run on furosemide/Salix in Florida.

~~(j)~~(i) Re-qualifying for a Bleeder's Certificate for furosemide/Salix means that the horses must exhibit subsequent exercise induced pulmonary hemorrhage in accordance with paragraphs (3)(a), (b) and (c) ~~above to again become eligible for use of furosemide/Salix.~~

(k)(+) The trainer of any horse to be entered in a race in a pari-mutuel event in the State of Florida shall report any previous or current incidents of exercise induced pulmonary hemorrhage and any previous or current use of furosemide/Salix to the track veterinarian, division veterinarian, and Salix Ceoordinator prior to entry.

(l) Documentation which validates that a horse has been previously permitted to race with furosemide includes, but is not limited to, the National Daily Racing Form, the North American Pari-Mutuel Regulators Horse Database, databases of individual racing jurisdictions, and daily racing program of individual racetracks.

(4) through (b) No change.

(5) The detection of caffeine at a urinary concentration less than 200 nanograms nanograms per milliliter and/or its metabolites, theophylline and theobromine at a urinary concentration less than 400 nanograms nanograms per milliliter shall not be reported by the racing laboratory to the division as a violation of Section 550.2415, Florida Statutes.

(6) Sulfa drug(s) is/are permitted to be administered to a race horse providing:

(a) The race horse is under the care of a veterinarian currently licensed pursuant to Chapters 474 and 550, Florida Statutes; and

(b) The sulfa drug(s) is/are prescribed by a veterinarian currently licensed pursuant to Chapters 474 and 550, Florida Statutes; and

(c) The sulfa drug(s) is/are not administered within 24 hours prior to the officially scheduled post time of the race.

(7) All prescription medication, regardless of method of administration, shall be safeguarded under lock and key when not being actively administered.

Specific Authority 120.80(4)(a), 550.0251(3), 550.2415(8),(9),(13),(16) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History—New 10-20-96, Amended 1-5-98, 6-6-00, 5-14-02, 6-6-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Experience Requirements
PURPOSE AND EFFECT: The citation to the law establishing the experience requirements will be updated.

RULE NO.: 61G1-13.001

SUMMARY: The Board proposes to correct the citation to the law establishing the experience requirements from Section 6, Chapter 79-273, Laws of Florida to Section 481.211, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 481.211, 481.2055 FS.

LAW IMPLEMENTED: 481.209(2)(b), 481.211 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-13.001 Experience Requirements.

(1) The diversified program of architectural experience required in Section 481.211, Florida Statutes ~~Section 6, Chapter 79-273, Laws of Florida~~, shall include training and experience under the direct supervision of an architect in the following areas of practice:

(a) through (2) No change.

Specific Authority 481.211, 481.2055 FS. Law Implemented 481.209(2)(b), 481.211 FS. History—New 12-23-79, Amended 5-18-83, Formerly 21B-13.01, Amended 12-10-86, 1-3-93, Formerly 21B-13.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 29, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Examination Designated
PURPOSE AND EFFECT: The Board proposes to amend this rule to delete paragraphs (2)(a),(b).

RULE NO.: 61G1-20.001

SUMMARY: Paragraphs (2)(a),(b) will be deleted from the rule.

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

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

SPECIFIC AUTHORITY: 455.217 FS.

LAW IMPLEMENTED: 455.217(1)(b), 481.209 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-20.001 Examination Designated.

(1) No change.

~~(2) All applicants (except applicants for licensure by endorsement) shall be required to take and pass one of the following:~~

~~(a) A professional interior design examination which shall consist of six parts:~~

PART	NAME OF EXAM	FORM OF EXAM
1-	Building and Barrier Free Codes	Multiple Choice
2-	Identification and Application	Multiple Choice
3-	Practicum: Programming	Client Interview and Graphic
4-	Practicum: Three Dimensional	Graphic
5-	Practicum: Scenario	Graphic
6-	Problem Solving	Multiple Choice

~~(b) National Council for Architectural Registration Boards (NCARB).~~

Specific Authority 455.217 FS. Law Implemented 455.217 (1)(b), 481.209 FS. History—New 7-4-90, Formerly 21B-20.001, Amended 5-30-95, 5-4-97, 3-8-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 29, 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 Medicine

RULE TITLE: RULE NO.:

Medical Records of Physicians Relocating or Terminating Practice; Retention, Disposition, Time Limitations 64B8-10.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to require medical records to be retained for a period of 7 years.

SUMMARY: The proposed rule amendment requires medical records to be retained for a period of 7 years.

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: 456.058, 458.309 FS.

LAW IMPLEMENTED: 456.058 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-10.002 Medical Records of Physicians Relocating or Terminating Practice; Retention, Disposition, Time Limitations.

(1) through (2) No change.

(3) A licensed physician shall keep adequate written medical records, as required by Section 458.331(1)(m), Florida Statutes, for a period of at least seven ~~five~~ years from the last patient contact.

(4) No change.

Specific Authority 456.058, 458.309 FS. Law Implemented 456.058 FS. History—New 7-3-89, Formerly 21M-26.002, Amended 11-4-93, 1-17-94, Formerly 61F6-26.002, Amended 1-26-97, Formerly 59R-10.002, Amended 3-7-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Rules Committee, Board of Medicine
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: October 1, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: April 22, 2005

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLES:	RULE NOS.:
Application for Licensure Fee	64B10-11.001
Mandatory HIV/AIDS and Prevention of Medical Errors Education For Initial Licensure and Renewal	64B10-11.0011
Examination for Licensure	64B10-11.002
Reexamination	64B10-11.003
College Training in Health Administration	64B10-11.007
Provisional License	64B10-11.011
Temporary License	64B10-11.013

PURPOSE AND EFFECT: The Board proposes to update the existing language in Rule 64B10-11.001, F.A.C. The Board proposes the new Rule 64B10-11.0011, F.A.C., which substantially contains the provisions of Subsection (2) of 64B10-11.001, F.A.C. The Board proposes the amendment to Rule 64B10-11.002, F.A.C., to clarify that the examination focuses on the practice of nursing home administrators. The Board proposes the amendment to Rule 64B10-11.003, F.A.C., to reduce the time applicants are allowed to pass both parts of the Nursing Home Administrators Examination. The Board proposes the amendment to Rule 64B10-11.007, F.A.C., to simplify the requirements of providing official transcripts. The Board proposes the amendment to Rule 64B10-11.011, F.A.C., to delete the provision that no part of a fee for a provisional license shall be returned. The proposed rule amendment also eliminates a requirement that the applicant has management experience in a facility with 60 or more licensed beds. Rule 64B10-11.013, F.A.C., no longer requires ratification by the board to determine eligibility for temporary license.

SUMMARY: The proposed rule amendment of 64B10-11.001, F.A.C., is to update the application form, provide that the Board of Nursing Home Administrators receives the application, provide for a telephone number and address for receiving, the application by mail. Subsection (2) in its entirety is deleted and these provisions are in newly created 64B10-11.001, F.A.C. Rule 64B10-11.0011, F.A.C., requires applicants to successfully complete a 3 hour course on HIV/AIDS and a 2 hour course on the prevention of medical errors. These requirements were previously contained in subsection 64B10-11.001(2), F.A.C. The proposed amendment to Rule 64B10-11.002, F.A.C., deletes “the operation of nursing home” and substitutes “practice of nursing home

administrators.” The proposed amendment to Rule 64B10-11.003, F.A.C., provides that applicants will have one year, instead of two years, to pass both parts of the Nursing Home Administrators Examination. The proposed amendment to Rule 64B10-11.007, F.A.C., provides that applicants must provide official transcripts and eliminates the unnecessary description of what the transcripts must show. The proposed amendment to Rule 64B10-11.011, F.A.C., deletes subsection (3), and it eliminates the requirement of having experience in a facility with 60 or more licensed beds. Rule 64B10-11.013, F.A.C., deletes ratification by the board when determining the eligibility for temporary license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 456.017, 456.033(7), 456.035, 468.1685(1),(5),(7),(8), 468.1695(1),(2), 468.1735 FS.

LAW IMPLEMENTED: 456.033(6), 456.035, 468.1685(2), 468.1695(1), 456.017, 456.017(2), 468.1735, 468.1705(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 RULES IS: Joe Baker, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B10-11.001 Application for Licensure Fee Examination.

(1) Any person desiring to be licensed as a nursing home administrator shall apply to the Board of Nursing Home Administrators ~~Department of Health~~. The application shall be made on form DH-MQA-NHA002 (revised 9/04 ~~12/03~~), hereby adopted and incorporated by reference, and can be obtained from the Board of Nursing Home Administrators website or the Division of Medical Quality Assurance Call Center by calling (850)488-0595, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399 3254.

~~(2) As a condition of initial licensure, each applicant shall successfully complete:~~

~~(a) A Board approved course on human immunodeficiency virus and acquired immune deficiency syndrome (HIV/AIDS). To receive Board approval, courses on HIV/AIDS shall consist of at least 3 hours of classroom instruction, which shall be approved by the Department of Health Medical Quality Assurance Division, or which meet the requirements of subsection 64B10-15.001(8), F.A.C.; and~~

~~(b) A two (2) hour course on the prevention of medical errors, as required by Section 456.013(7), F.S. The course shall be Board approved and must contain the following components: root cause; analysis; error reduction and prevention; and patient safety.~~

Specific Authority 456.033(7), 468.1685(1),(2), 468.1695(1) FS. Law Implemented 456.033(6), 468.1685(2), 468.1695(1) FS. History–New 12-26-79, Formerly 21Z-11.01, Amended 1-18-87, 10-2-88, 3-5-89, 3-15-90, 12-3-90, 11-2-92, Formerly 21Z-11.001, 61G12-11.001, Amended 12-4-95, 9-4-96, 7-21-97, Formerly 59T-11.001, Amended 5-15-00, 1-7-04, _____.

64B10-11.0011 Mandatory HIV/AIDS and Prevention of Medical Errors Education for Initial Licensure and Renewal.

As a condition of initial licensure, each applicant shall successfully complete:

(1) A board approved course on human immunodeficiency virus and acquired immune deficiency syndrome (HIV/AIDS). To receive board approval, courses on HIV/AIDS shall consist of at least 3 hours of classroom instruction, which shall be approved by any board within the Department of Health’s Medical Quality Assurance, or which meet the requirements of subsection 64B10-15.001(8), F.A.C.; and

(2) A board approved two hour course on the prevention of medical errors, which must contain the following components: root cause analysis; error reduction; prevention and patient safety.

Specific Authority 456.033(7) FS. Law Implemented 456.033(6) FS. History–New _____.

64B10-11.002 Examination for Licensure.

(1) No change.

(2) In addition to the national examination referenced in (1) above, each applicant for licensure shall also be required to take an examination on the laws and regulations of the State of Florida which govern the practice of nursing home administrators the operation of nursing homes.

Specific Authority 456.017, 468.1685(1), 468.1695(1) FS. Law Implemented 456.017, 468.1695(1) FS. History–New 12-26-79, Amended 3-1-82, 7-29-82, Formerly 21Z-11.02, Amended 1-18-87, 6-2-87, 12-3-90, Formerly 21Z-11.002, 61G12-11.002, Amended 7-16-95, Formerly 59T-11.002, Amended 5-15-00, 11-6-02, _____.

64B10-11.003 Reexamination.

(1) An applicant must pass both parts of the Nursing Home Administrators Examination (NAB) within one two years of the date of application for licensure. If the applicant fails to pass both-parts within the stated one two year period, the applicant must reapply and meet current licensing requirements.

(2) No change.

Specific Authority 456.017(2), 468.1685(1) FS. Law Implemented 456.017(2) FS. History–New 12-26-79, Amended 3-1-82, 6-14-82, Formerly 21Z-11.03, Amended 3-5-89, 8-19-92, Formerly 21Z-11.003, 61G12-11.003, Amended 6-2-96, Formerly 59T-11.003, Amended 5-15-00, 11-6-02, _____.

64B10-11.007 College Training in Health Administration.

(1) No change.

(2) Persons seeking to qualify pursuant to subsection (1) shall provide ~~in addition to official transcripts an organized statement of the courses which the applicant asserts quality under subsection (1) including the full course title; a course description from the catalogue of those courses of which the title does not clearly indicate the course content; and the number of credit hours assigned to each course.~~

Specific Authority 468.1685(1), 468.1695(2) FS. Law Implemented 468.1695(2) FS. History–New 12-26-79, Amended 3-24-81, 7-31-83, Formerly 21Z-11.07, Amended 4-22-87, 10-2-88, Formerly 21Z-11.007, 61G12-11.007, Amended 10-17-94, 7-21-97, Formerly 59T-11.007, Amended _____.

64B10-11.011 Provisional License.

(1) through (2) No change.

~~(3) No part of the fee shall be returned.~~

~~(3)(4) No change.~~

~~(4)(5) An application for a provisional license shall not be granted unless the applicant can demonstrate that he or she possesses a minimum of six (6) months management experience within a skilled nursing facility, hospital, hospice, assisted living facility, or a geriatric residential treatment program.~~

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

Specific Authority 468.1685(1), 468.1735 FS. Law Implemented 468.1735 FS. History–New 12-6-79, Amended 8-17-81, Formerly 21Z-11.11, Amended 4-22-87, Formerly 21Z-11.011, 61G12-11.011, Amended 7-21-97, Formerly 59T-11.011, Amended 10-30-00, _____.

64B10-11.013 Temporary License.

The determination of eligibility for temporary licensure shall be made by a committee appointed by the Chairman, ~~and shall be ratified by the Board at its next meeting.~~

Specific Authority 468.1685(1)(2) FS. Law Implemented 468.1705(4) FS. History–New 4-22-87, Amended 12-3-90, Formerly 21Z-11.013, 61G12-11.013, 59T-11.013, Amended 10-12-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2005

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLES:	RULE NOS.:
Collection and Payment of Fees	64B10-12.001
Application for Licensure	64B10-12.002
Payment for Duplicating Licenses, Certificates and Permits	64B10-12.0021
Active Renewal Fee	64B10-12.005
Examination Fee	64B10-12.006
Provisional License Application Fee	64B10-12.0071
Endorsement Fee	64B10-12.008
Initial Licensure Fee	64B10-12.009
Inactive Status	64B10-12.010
Temporary License Fees	64B10-12.011
Preceptor Certification and Recertification Fee	64B10-12.012
Unlicensed Activity Fee	64B10-12.015
Delinquency Fee	64B10-12.016
Continuing Education Provider Initial and Renewal Fee	64B10-12.017
Special Assessment Fee	64B10-12.018

PURPOSE AND EFFECT: The Board proposes deletion of Rule 64B10-12.001, F.A.C., because fees are no longer paid to the Department of Health. The Board proposes the amendments to Rule 64B10-12.002, F.A.C., to increase the fees for initial license applications and to add that the fees are non-refundable. The Board proposes the amendment to Rule 64B10-12.005, F.A.C., by adding the word “active” before the word renewal, and decreases the fee from \$255 to \$250. The Board proposes new Rule 64B10-12.006, F.A.C., to provide an examination fee for an applicant by examination. The Board proposes to delete Rule 64B10-12.0071, F.A.C., because the provisional license application fee will now be covered by Rule 64B10-12.002, F.A.C. The Board proposes to delete Rule 64B10-12.008, F.A.C., because the licensure by endorsement fee will now be covered by Rule 64B10-12.002, F.A.C. The Board proposes the amendments to Rule 64B10-12.009, F.A.C., to increase fees for initial licensure by examination or endorsement. The Board proposes the amendments to Rule 64B10-12.010, F.A.C., to reduce the fees to \$250.00 for the following: (a) application fee for inactive status; (b) fee for renewal of an inactive license; and (c) fee for reactivation of an in active license. The Board proposes the amendments to Rule 64B10-12.011, F.A.C., to reduce the application fee for a temporary license to \$200.00. Amendments to Rule 64B10-12.011, F.A.C., also provide for a new licensure fee of \$150.00 for a temporary license. The Board proposes the amendments to Rule 64B10-12.012, F.A.C., to eliminate the language “for 3 years certification.” Amendments to Rule 64B10-12.012, F.A.C., also provide that the renewal of the nursing home administrators license also constitutes renewal of the preceptor license. The Board proposes the amendments to Rule 64B10-12.015, F.A.C., to eliminate the language of “per biennium” and substitute the words “each subsequent” renewal. The Board proposes the amendments to Rule

64B10-12.016, F.A.C., to reduce the delinquency fee to \$250.00 and to eliminate unnecessary words. The Board proposes new Rule 64B10-12.017, F.A.C., to require application and approval of continuing education providers as well as a fee of \$250.00 for an initial license and at each renewal. Rule 64B10-12.018, F.A.C., promulgates a new rule for a special assessment fee.

SUMMARY: The proposed deletion of Rule 64B10-12.001, F.A.C., is consistent with the current practice of paying fees to the Board. The proposed amendments to Rule 64B10-12.002, F.A.C., are to increase the initial application fee to \$250.00, and provide for a new preceptor application fee of \$50.00. The application fees are non-refundable. Subsections (2) and (3) of Rule 64B10-12.0021, F.A.C., are deleted and the provisions of these subsections are added in the remaining language. The proposed amendment to Rule 64B10-12.005 is to clarify that the renewal of an active nursing home administrator license is \$250. This proposed new Rule 64B10-12.006, F.A.C., provides for a \$250 fee for processing the application of an applicant by examination. The proposed deletion of Rule 64B10-12.0071, F.A.C., eliminates these provisions because the application fee for a provisional license is now in Rule 64B10-12.002, F.A.C. The proposed Rule 64B10-12.008, F.A.C., deletion is because the licensure by endorsement fee is now in Rule 64B10-12.002, F.A.C. Rule 64B10-12.009, F.A.C., increases the initial licensure fee to \$250.00 for both examination or endorsement. The current fees under Rule 64B10-12.010, F.A.C., are \$250.00 each. Amendments to Rule 64B10-12.010, F.A.C., will reduce other fees to \$250.00 each. Amendments to Rule 64B10-12.011, F.A.C., reduces the application fee for a temporary license from \$250.00 to \$200.00. Amendments to Rule 64B10-12.011, F.A.C., also provides for a licensure fee of \$150.00 for a temporary license. The Board proposes the amendments to eliminate the language “for 3 years certification.” The rule amendments also provide that the renewal of the nursing home administrators license also constitutes renewal of the preceptor license. The amendments to Rule 64B10-12.012, F.A.C., eliminates the 3 year certification so that it is now linked to the renewal of the administrator’s license. If the administrator license is renewed, the preceptor certificate is renewed. The amendments to Rule 64B10-12.015, F.A.C., delete the language “if engaging in nursing home administration as being unnecessary. The \$5 fee for unlicensed activity is now required on each subsequent renewal instead of “per biennium.” Amendments to Rule 64B10-12.016, F.A.C., reduce the delinquency fee from \$255.00 to \$250.00 and eliminate two unnecessary words. Rule 64B10-12.017, F.A.C., requires approval of continuing education providers or programs and a fee of \$250.00 for an initial license and for each renewal. The board proposes Rule 64B10-12.018, F.A.C., to implement a special assessment fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 468.1685(1), 468.1695(2),(5), 456.025(2),(7), 468.1735, 468.1705(1), 456.065, 456.036 FS.

LAW IMPLEMENTED: 468.1685(1),(5), 456.025(2),(3),(7), 468.1695(3), 468.1715, 468.1705(1),(4), 456.065, 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B10-12.001 Collection and Payment of Fees.

Specific Authority 468.1685(1) FS. Law Implemented 468.1685(1) FS. History–New 12-26-79, Formerly 21Z-12.01, 21Z-12.001, 61G12-12.001, 59T-12.001, Repealed _____.

64B10-12.002 Application for Licensure.

(1) The nonrefundable application fee for initial licensure/endorsement and provisional licensure shall be \$250 each (~~one hundred fifty five dollars \$155.00~~)

(2) The nonrefundable application fee for preceptor is \$50.

Specific Authority 468.1685(1), 468.1695(2) FS. Law Implemented 468.1695(3) FS. History–New 12-26-79, Formerly 21Z-12.02, Amended 1-22-90, Formerly 21Z-12.002, 61G12-12.002, 59T-12.002, Amended 11-4-02, _____.

64B10-12.0021 Payment for Duplicating Licenses, Certificates, and Permits.

(1) The fee for issuance of a duplicate license, wall certificate or permit is \$25.00.

(2) ~~Licenses licensed prior to July 1, 1998 may obtain wall certificate by submitting their request to the Board along with a \$25.00 fee.~~

(3) ~~The fee for issuance of a duplicate wall certificate is \$25.00.~~

Specific Authority 456.025(2),(7), 468.1685(1) FS. Law Implemented 456.025(2),(7) FS. History–New 12-30-90, Formerly 21Z-12.0021, 61G12-12.0021, Amended 5-26-97, Formerly 59T-12.0021, Amended 5-15-00, _____.

64B10-12.005 Active Renewal Fee.

The fee for active ~~biennial~~ renewal of a nursing home administrator’s license is \$250 ~~shall be two hundred fifty five dollars (\$255).~~

Specific Authority 468.1685(1) FS. Law Implemented 468.1715 FS. History–New 12-26-79, Amended 7-3-84, Formerly 21Z-12.05, Amended 1-22-90, Formerly 21Z-12.005, 61G12-12.005, 59T-12.005, Amended 2-26-02, _____.

64B10-12.006 Examination Fee.

The fee for processing the application of an applicant by examination is \$250. This fee is in addition to the fee charged by the NAB.

Specific Authority 468.1695(2) FS. Law Implemented 468.1695(2) FS. History–New _____.

64B10-12.0071 Provisional License Application Fee.

Specific Authority 468.1685(1) 468.1735 FS. Law Implemented 468.1735 FS. History–New 6-14-82, Formerly 21Z-12.071, Amended 1-22-90, Formerly 21Z-12.0071, 61G12-12.0071, Amended 2-13-95, Formerly 59T-12.0071, Repealed _____.

64B10-12.008 Endorsement Fee.

Specific Authority 468.1685(1), 468.1715(1) FS. Law Implemented 468.1715(1) FS. History–New 12-26-79, Amended 6-14-82, Formerly 21Z-12.08, Amended 1-22-90, Formerly 21Z-12.008, 61G12-12.008, 59T-12.008, Repealed _____.

64B10-12.009 Initial Licensure Fee.

The initial licensure fee for a nursing home administrator’s license whether by examination or endorsement shall be \$250 two hundred (~~\$200.00~~). The license shall be valid until the end of the current biennium, except that an initial license issued during the renewal period shall be valid for the next biennium. The initial licensure fee shall be submitted with application fee and unlicensed fee upon application for licensure. An applicant not eligible for licensure may receive a refund of the initial licensure fee.

Specific Authority 456.025, 468.1685(1) FS. Law Implemented 456.025 FS. History–New 6-14-82, Formerly 21Z-12.09, 21Z-12.009, 61G12-12.009, Amended 2-13-95, Formerly 59T-12.009, Amended 2-26-02, _____.

64B10-12.010 Inactive Status.

(1) The application fee for inactive status is \$250.00 ~~shall be two hundred fifty five dollars (\$255.00).~~

(2) The fee for renewal of an inactive license is \$250.00 ~~shall be two hundred fifty five dollars (\$255.00).~~

(3) The fee for reactivation of an inactive license is \$250.00 ~~shall be two hundred fifty five dollars (\$255.00).~~

Specific Authority 468.1685(1) 468.1725(2) FS. Law Implemented 468.1725 FS. History–New 2-24-87, Amended 4-8-90, Formerly 21Z-12.010, 61G12-12.010, 59T-12.010, Amended 2-26-02, _____.

64B10-12.011 Temporary License Fees.

(1) The application fee for a temporary license is \$200.00 ~~shall be two hundred fifty (\$250.00).~~

(2) The licensure fee for a temporary license is \$150.

Specific Authority 468.1685(1) FS. Law Implemented 468.1705 (4) FS. History–New 2-24-87, Amended 1-22-90, Formerly 21Z-12.011, 61G12-12.011, 59T-12.011, Amended _____.

64B10-12.012 Preceptor Certification and Recertification Fee.

(1) The preceptor initial certification fee shall be \$50.00 ~~for 3 years certification~~ and shall be remitted at the time of application for initial certification, to be included with the initial application fee contained in Rule 64B10-12.002, F.A.C.

~~(2) The biennial renewal of license shall constitute renewal of the preceptor certification. The preceptor recertification fee shall be \$25.00 and shall be remitted at the time of application for recertification.~~

Specific Authority 468.1685(1) FS. Law Implemented 468.1695(5) FS. History—New 1-22-90, Formerly 21Z-12.012, 61G12-12.012, 59T-12.012, Amended _____.

64B10-12.015 Unlicensed Activity Unauthorized Practice Fee.

As provided in subsection 456.065, Florida Statutes, the fee for enforcement of the laws prohibiting unauthorized practice of ~~engaging in nursing home administration~~ shall be \$5.00 ~~per biennium~~ for initial licensure and each subsequent renewal, ~~in addition to any other fees associated with licensure.~~

Specific Authority 468.1685(1) FS. Law Implemented 456.065 FS. History—New 10-26-93, Formerly 61G12-12.015, Amended 5-26-97, Formerly 59T-12.015, Amended _____.

64B10-12.016 Delinquency Fee.

A licensee who is delinquent shall pay a fee of two hundred fifty ~~five~~ dollars (\$250.00) ~~(\$255.00)~~ for reinstatement of the ~~delinquent~~ license.

Specified Authority 456.036 FS. Law Implemented 456.036 FS. History—New 2-22-96, Formerly 59T-12.016, Amended 2-26-02, _____.

64B10-12.017 Continuing Education Provider Initial and Renewal Fee.

In addition to meeting the requirements set forth for approval of continuing education programs, providers or sponsors shall remit \$250 for initial licensure and upon each renewal.

Specific Authority 456.033, 468.1685(1), 468.1715 FS. Law Implemented 456.013(6), 456.033, 468.1715(3), 468.1725 FS. History—New _____.

64B10-12.018 Special Assessment Fee.

(1) In an effort to eliminate the current cash deficit of the Board of Nursing Home Administrators, each active status licensee and each inactive status licensee shall pay a special one time assessment fee of two hundred dollars (\$200.00). The fee must be paid to and received by the Department no later than October 31, 2005.

(2) Failure to comply with this rule and pay the required fee shall constitute a citation violation as set forth in Section 456.077, F.S.

Specific Authority 456.025(5), 468.1685(1) FS. Law Implemented 456.025(5) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2005

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLES: RULE NOS.:

Inactive Status and Renewal of 64B10-13.200
Inactive License 64B10-13.300

Reactivation of Inactive License 64B10-13.300

PURPOSE AND EFFECT: The Board proposes the amendments to Rule 64B10-13.200, F.A.C., to provide that an inactive licensee may change to an active status at any time as long as the licensee meets the continuing education requirements and pays active status fees for the period of the inactive license and pays other appropriate fees. A licensee who has been inactive for more than 4 years and who has not practiced in another jurisdiction for at least 2 of the 4 years must also appear before the Board and establish the ability to practice as a nursing home administrator. The Board proposes to delete Rule 64B10-13.300, F.A.C., because all of the initial requirements for activating an inactive license will be contained in Rule 64B10-13.200, F.A.C.

SUMMARY: The amendments to Rule 64B10-13.200, F.A.C., impose more requirements for those inactive licensees wanting to reactivate their licenses. Besides paying the appropriate fees, a licensee may have to demonstrate to the Board that the licensee has the ability to practice with enough skill to protect the public. The essential elements of Rule 64B10-13.300, F.A.C., are now contained in a slightly, longer version of Rule 64B10-13.200 and Rule 64B10-13.300, F.A.C., is deleted in its entirety.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 468.1725 FS.

LAW IMPLEMENTED: 468.1725 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B10-13.200 Inactive Status and Renewal of Inactive License.

(1) Any licensee may elect at the time of ~~biennial~~ license renewal to place the license on inactive status by marking "inactive" on the renewal form or in any manner prescribed by the Department and remitting the ~~application~~ fee required by subsection 64B10-12.010(1), F.A.C.

(2) An inactive status licensee may change to active status at any time provided the licensee meets the continuing education requirements, pays the active status fees for each biennium during which the license was inactive, pays the reactivation fee, and if the request to change the licensure status is made at any time other than at the beginning of a licensure cycle, pays the additional change of status fee. Inactive licenses must be renewed biennially during the renewal period prescribed by the Department by payment of the inactive renewal fee required by subsection 64B10-12.010(2), F.A.C. At least ninety (90) days prior to the end of the renewal period, the Department shall send renewal notices to the last address of record of all inactive licensees. Failure to receive any notification does not relieve the licensee of the renewal requirements or waive the inactive receipt expiration date. If an inactive renewal fee is postmarked after the deadline, a delinquency fee as set forth in Rule 64B10-12.016, F.A.C., must be paid before the inactive receipt will be issued.

(3) Any licensee whose license has been inactive for more than two consecutive biennial licensure cycles and who has not practiced for two out of the previous four years in another jurisdiction shall be required to show compliance with subsection (2) and shall be required to appear before the board and establish the ability to practice with the care, skill and safety sufficient to protect the health, safety and welfare of the public.

Specific Authority 468.1725 FS. Law Implemented 468.1725 FS. History--New 3-5-96, Formerly 59T-13.200, Amended _____.

64B10-13.300 Reactivate of Inactive License.

Specific Authority 456.036, 468.1685(1), 468.1725(2) FS. Law Implemented 456.036, 468.1725 FS. History--New 3-5-96, Formerly 59T-13.300, Amended 5-15-00, 2-13-01, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2005

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Mediation
PURPOSE AND EFFECT: The Board proposes to promulgate Rule 64B10-14.007, F.A.C., to provide for mediation as an acceptable means of resolving violations that are economic in nature and can be remedied by the licensee.

RULE NO.: 64B10-14.007

SUMMARY: Rule 64B10-14.007, F.A.C., provides mediation for three minor violations that do not pose a danger to the public health, safety and welfare.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 456.073(3), 468.1685(1) FS.

LAW IMPLEMENTED: 456.073(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-14.007 Mediation.

The Board finds that mediation is an acceptable resolution of the following violations that are economic in nature or can be remedied by the licensee:

(1) Failure to respond to a continuing education audit.

(2) Failure to timely pay any assessed administrative fine or costs.

(3) Failure to renew a license within 6 months of the renewal deadline.

Specific Authority 456.073(3), 468.1685(1) FS. Law Implemented 456.073(3) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2005

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLES: Criteria for Approved Continuing Education Approved Providers Initial Licensure Requirements
PURPOSE AND EFFECT: The Board proposes the amendments to Rule 64B10-15.002, F.A.C., to clarify the eligibility for continuing education credits and eliminate many

RULE NOS.: 64B10-15.002 64B10-15.0021 64B10-15.003

of the licensee's duties to document proof of program content and attendance. The Board proposes the amendments to Rule 64B10-15.0021, F.A.C., to require prior approval of continuing education programs or courses and provide what must be provided with an application. The rule amendments also raise the initial application fee to \$250.00 for providers and raises the biennial renewal fee to \$250.00. The Board proposes new Rule 64B10-15.003, F.A.C., to exempt new licensees from continuing education requirements during the first renewal period, except for the hours required for medical errors and HIV/AIDS.

SUMMARY: The proposed amendments to Rule 64B10-15.002, F.A.C., delete subsection (2) and (3) in their entirety. The provisions of subsection (3) have been transferred to another rule (64B10-11.0011). The proposed amendments to Rule 64B10-15.0021, F.A.C., delete Subsection (3), (6) and (8) and substitute more concise provisions for the subsections. The application fee is raised from \$100.00 to \$250.00 and the biennial renewal fee is raised from \$50.00 to \$250.00. Rule 64B10-15.003, F.A.C., proposes to exempt new licensees from having to comply with the continuing education requirements, except for the medical errors and HIV/AIDS courses required by Rule 64B10-11.0011, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 456.033, 468.1685, 468.1685(1), 468.1715, 468.1715(3), 468.1725 FS.

LAW IMPLEMENTED: 456.013, 456.013(6), 456.033, 468.1715, 468.1685(5), 468.1715(3), 468.1725 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B10-15.002 Criteria for Approved Continuing Education.

(1) To be eligible for credit toward the licensee's continuing education requirement, a course shall be designed to enhance the learning and promote the continued development of knowledge and skills of the individual licensee's professional practice.

~~(2)(1) Continuing education will be approved for credit if it is in one of the six (6) Domains of Practice as defined in Rule 64B10-16.005, F.A.C. the method of presentation is effective in meeting the purpose of this chapter and the instructor is well qualified in his particular field by training and experience. Subject matter shall be directly related to the duties and responsibilities of a nursing home administrator. Program objectives should describe expected learner outcome in behavioral terms, can be evaluated, are attainable and are relevant to the profession of nursing home administrators. Attendance of individuals at all portions of the program must be documented by the provider. Contents of the program must be in one or more of the following Domains of Practice:~~

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

~~(3) Continuing education credit may be granted on an hour-for-hour basis for successful completion of an approved preceptor training program.~~

~~(3)(4) Fifteen hours of continuing education credit shall be granted for each college credit course in the domains of practice successfully completed during the biennium. The college transcript shall be accepted as proof of attendance.~~

~~(4)(5) Administrator certification or re-certification by American College of Health Care Administrators may be accepted as satisfying the total continuing education requirement for license renewal for the biennium in which certification is completed. Verification of certification shall be accepted as proof of attendance.~~

~~(5)(6) To satisfy the requirements of this rule, attendance in the programs or courses of continuing education include personal presence at a live presentation or video conferencing offering, except a maximum of 10 hours credit may be obtained in any biennium through correspondence courses, home study courses, tape and/or video cassette courses or internet courses in the domains of practice provided the course requires passing a test to be graded by the provider and the passing score is verified by the provider of the course. Video cassette courses shall not exceed 5 hours per subject and must be in one of the domains of practice listed in paragraphs 64B10-15.002(1)(a) through (f), F.A.C. A validation form shall be signed by the vendor and the licensee verifying the specific domains of practice covered in the video cassette course and total viewing time. Such verification/validation shall clearly indicate the course is a "correspondence course," "home study course," "tape or video cassette course" or "internet course" and that the licensee passed the course in order to be accepted as proof of attendance.~~

~~(6)(9) The Board shall disapprove any or all credit if the Board determines the program fails to meet the requirements of subsection 64B10-15.002(1), F.A.C.~~

~~(7)(10) The Board shall not accept credit for continuing education programs of less than 1 contact hour. Attendance credit in fractions of an hour shall not be granted.~~

Specific Authority 468.1685(1), 468.1725(3) FS. Law Implemented 456.013, 468.1715, 468.1725 FS. History--New 12-11-80, Amended 2-20-83, Formerly 21Z-15.02, Amended 6-22-87, 2-26-89, 12-6-89, 11-11-92, Formerly 21Z-15.002, 61G12-15.002, 59T-15.002, Amended 10-12-97, 12-2-02, 8-11-03, 8-9-04,_____.

64B10-15.0021 Approved Providers.

(1) ~~To become a continuing education provider, the applicant shall submit an application for approval at least 120 days prior to presenting continuing education programs or courses. Continuing education provider status shall be approved by the Board prior to presenting continuing education programs or courses.~~ Continuing education programs or courses offered prior to obtaining approved provider status shall not be granted continuing education credit.

(2) The Board ~~accepts~~ approves those courses approved as continuing education for nursing home administrators by the National Continuing Education Review Service of the National Association of Boards of Examiners of Nursing Home Administrators, Inc., when attendance is properly certified by the program provider.

(3) The applicant seeking approval status shall submit to the board the following:

- (a) Course outline;
 - (b) Learning objectives;
 - (c) Domain(s) of Practice;
 - (d) Sample evaluation form;
 - (e) Method of presentation;
 - (f) Curriculum vitae of the course speakers or instructors;
- and
- (g) Agenda.

Those seeking approved provider status shall submit to the Board a sample continuing education program along with an outline of the content of the program or course on Form DOH/NHA/019 (9/20/99), entitled "Florida Board of Nursing Home Administrator Approval As A Provider Of Continuing Education Application," which is hereby incorporated by reference, effective November 15, 1999, a copy of which may be obtained from the Board office upon request. Said outline must provide the following information:

- (a) Date and location of the initial course offering;
 - (b) Course learning objectives;
 - (c) The applicable Domain(s) of Practice covered by the course or program;
 - (d) Number of continuing education hours that will be earned;
 - (e) Sample program evaluation form;
 - (f) Method of presentation;
 - (g) Sample certificate of attendance;
 - (h) Explanation of how the provider intends to maintain a roster of course attendees;
 - (i) Curriculum vitae of the course speakers or instructors;
- and

~~(j) Agenda for the program or course given to the participants.~~

(4) Those applying for approved provider status shall pay an initial approval fee of ~~\$250~~ \$100.00. A provider seeking to renew approved provider status, shall pay a biennial renewal fee of ~~\$250~~ \$50.00.

(5) All approved providers shall provide furnish to each licensee attending a course a certificate of attendance.

(6) ~~The approved continuing education provider shall be granted authority to give continuing education courses without additional board approval. During the applicable biennium, an approved provider may offer additional programs or courses different than the one initially approved by the board if an outline is submitted in advance and approved by the Board before its use or presentation. The outline shall be submitted to the Board office no less than 45 days before the proposed date of the course and shall contain an agenda, the course learning objectives, the applicable Domains of Practice covered by the course or program, the number of continuing education hours that will be earned, a sample program evaluation form, the method of presentation and the curriculum vitae of the course or program speakers or instructors. This additional course or program outline may be submitted through electronic format to the Board.~~

(7) No change.

(8) ~~The board may conduct audits for cause and randomly during renewal of the continuing education programs. The Board shall periodically monitor and review at random or upon the filing of a complaint, all continuing education programs and shall rescind the provider status or reject individual programs offered by a provider if the provider disseminates any false or misleading information in connection with the continuing education programs, fails to conform to rules of the Board, or if the provider or its faculty member(s) are found to be in violation of any of the provisions of Chapter 468, Part II or 456, F.S.~~

Specific Authority 468.1685, 468.1725 FS. Law Implemented 456.1685(5), 468.1715, 468.1725 FS. History--New 2-20-83, Amended 7-31-84, Formerly 21Z-15.021, Amended 3-5-89, 3-15-90, Formerly 21Z-15.0021, 61G12-15.0021, 59T-15.0021, Amended 11-15-99, 8-9-04,_____.

64B10-15.003 Initial Licensure Requirements.

For the first renewal period after licensure, the licensee is exempt from continuing education requirements of Rule 64B10-15.001, F.A.C., except for the hours mandated for medical errors and HIV/AIDS.

Specific Authority 456.033, 468.1685(1), 468.1715, 468.1725 FS. Law Implemented 456.013(6), 456.033, 468.1715(3), 468.1725 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2005

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLES:	RULE NOS.:
General Information	64B10-16.001
Preceptor	64B10-16.002
Facility at Which Training Takes Place	64B10-16.003
Out-of-State Administrator-In Training Programs	64B10-16.007

PURPOSE AND EFFECT: The Board proposes to update the existing language of Rule 64B10-16.001, F.A.C. The Board proposes the amendments to Rule 64B10-16.002, F.A.C. to reduce the preceptor’s time to attend the six-hour training seminar. The Board proposes Rule 64B10-16.003, F.A.C., to eliminate the approval process for the nursing home facility where the training will take place. The Board also proposes to update the language to show that the facility is currently licensed by the Agency for Health Care Administration. The Board proposes Rule 64B10-16.007, F.A.C., to eliminate two references to “complete” because the words are unnecessary in the context of the sentence.

SUMMARY: The proposed rule changes in paragraph 4 of Rule 64B10-16.001, F.A.C., reflect the statutory change to part II of Chapter 468, F.S. The proposed amendments to Rule 64B10-16.002, F.A.C., would require preceptors to attend the required six-hour training seminar immediately preceding the application, instead of three years. The application shall include each nursing home that will hold the seminar. Rule 64B10-16.003, F.A.C., would no longer require an Administrator in Training to use separate application for each facility where training takes place. The state agency licensing nursing home facilities is the Agency for Health Care Administration. With respect to Rule 64B10-16.007, F.A.C., the first sentence now has three “completed” words in it and the version would eliminate the last two references to the “completed” program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 468.1685(1), 468.1695(2) FS.

LAW IMPLEMENTED: 468.1695(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-16.001 General Information.

(1) An Administrator-in-Training is a supervised internship during which the Administrator-in-Training (the AIT) works under the ~~guidance and~~ supervision of a preceptor, a licensed administrator meeting the qualifications ~~set~~ in Rule 64B10-16.002, F.A.C.

(2) An applicant for the AIT program must meet those qualifications established by Section 468.1695, F.S., ~~which are in effect~~ at the time of application, and pay the application fee specified in Rule 64B10-12.013, F.A.C.

(3) No change.

(4) The training must be under the full-time supervision of the preceptor. A preceptor shall supervise only one AIT or intern at any given time; however, if the facility has a minimum of 120 beds and an assistant administrator duly licensed under Chapter 468, Part II, F.S., the preceptor may then supervise a maximum of two AITs or interns, or a combination thereof.

(5) through (13) No change.

Specific Authority 468.1685(1), 468.1695(2) FS. Law Implemented 468.1695(2) FS. History–New 9-24-81, Formerly 21Z-16.01, Amended 12-18-88, 1-22-90, 11-11-92, Formerly 21Z-16.001, Amended 8-29-93, Formerly 61G12-16.001, Amended 6-2-96, Formerly 59T-16.001, Amended 10-12-97, _____.

64B10-16.002 Preceptor.

(1) The Board will approve persons to act as preceptors in AIT programs based on the completion of application and an oral interview. The approval shall be effective indefinitely, so long as the preceptor maintains an active license to practice nursing home administration in this state. ~~However, the Board shall disapprove a preceptor for a training program who has failed to remain in compliance with these requirements.~~

(2) Each person desiring to be a preceptor must submit a completed an application with the appropriate fees, showing:

~~(a) His name and address.~~

~~(b) That he is an actively licensed nursing home administrator in Florida,~~

~~(c) That he has been a licensed and practicing nursing home administrator in any jurisdiction for the last three years, and that no disciplinary action has been taken against him,~~

~~(d) The states and dates of issuance of all his professional license, including those as a nursing home administrator.~~

~~(e) The Nursing home facility at which the applicant has been in direct management control, and that the facilities have had a continuous operating history free from significant deficiencies.~~

~~(3) The preceptor applicant must show that his education, experience, and knowledge qualify him to supervise the training of an AIT. The preceptor applicant must attend a six-hour preceptor training seminar approved by the Board as set forth in Rule 64B10-16.0025, F.A.C., within one ~~the three~~ years immediately preceding the application.~~

(4) Each application for approval of an administrator in training program shall include an application for approval of each nursing home facility at which the training will take place.

~~(5)(4) Preceptor shall not supervise the training of a member of his immediate family.~~

~~(6)(5) A preceptor must be in direct management control of the facility or facilities at which the training is to take place.~~

~~(7)(6) A member of the Board may conduct the oral interview and report to the Board.~~

~~(7) A person desiring to be a preceptor must apply and qualify under the terms of this rule, notwithstanding an approval under previous rules.~~

Specific Authority 468.1685(1), 468.1695(4) FS. Law Implemented 468.1695 FS. History–New 9-24-81, Formerly 21Z-16.02, Amended 12-18-88, 11-11-92, Formerly 21Z-16.002, Amended 2-28-94, Formerly 61G12-16.002, Amended 2-22-96, 10-20-96, Formerly 59T-16.002, Amended 10-12-97, _____.

64B10-16.003 Facility at Which Training Takes Place.

~~(1) Each application for approval of a training program shall include an application for approval of each nursing home facility at which the training will take place.~~

~~(1)(2) The Administrator in Training application form will request general information about the nursing home facility which will include its address, the names, employment dates, work hours, and the license numbers of registered or licensed professionals which head the various departments, and the bed capacities in each classification under the terms of subsections 10D-29.032(15), (36) and (39), F.A.C. (as effective 7-24-81).~~

~~(2)(3) The application must include a copy of the latest survey report and any plans for correction. The survey report must show that the facility is currently licensed by the Agency for Health Care Administration ~~Department of Health~~ as a nursing home facility under the terms of Chapter 400, F.S., and has no serious operating deficiencies.~~

~~(3)(4) The nursing home facility must have a capacity of at least 60 beds.~~

Specific Authority 468.1685(1), 468.1695(2) FS. Law Implemented 468.1695(2) FS. History–New 9-24-81, Formerly 21Z-16.03, 21Z-16.003, 61G12-16.003, 59T-12-16.003, Amended 5-15-00, _____.

64B10-16.007 Out-of-State Administrator-In-Training Programs.

If an applicant has completed an AIT program outside of Florida, the Board will review the AIT program ~~completed~~ and determine whether the ~~completed~~ program fulfills the requirements of a Florida AIT program. The applicant is

required to provide documentation to the Board concerning the out-of-state AIT program, the facility where the program was completed and the qualifications and training of the preceptor.

Specific Authority 468.1685(1)(2), 468.1695(2) FS. Law Implemented 468.1695(2) FS. History–New 7-21-97, Formerly 59T-16.007, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2005

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: _____ RULE NO.:

On-Site Control 64B10-17.001

PURPOSE AND EFFECT: The Board proposes this new rule, Rule 64B10-17.001, F.A.C., regarding the administrator’s level of control of the facility. Rule 64B10-17.001, F.A.C., also provides that an administrator shall be the administrator for only one facility, unless good cause is shown and Board approval is obtained.

SUMMARY: A nursing home administrator can be the administrator of only one facility unless good cause is shown and Board approval is given. The administrator must be on the location of the facility that is being administered.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIED AUTHORITY: 468.1685(2), (5) FS.

LAW IMPLEMENTED: 468.1695(2)FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Nursing Home Administrators/MQA,4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-17.001 On-Site Control.

The Board of Nursing Home Administrators interprets the standards of the Board requirement of Sections 468.1685(2) and (5), Florida Statutes, with regard to the Nursing Home

Administrator’s level of control of the facility, the number of facilities for which an administrator can be employed by or both. The standards of the Board are:

(1) A Nursing Home Administrator for any applicable facility shall be the administrator for only one facility. An administrator cannot work in the capacity of a nursing home administrator for multiple facilities unless Board approval is first obtained and good cause is shown.

(2) A Nursing home Administrator must be onsite of the facility for which he or she is employed and cannot administer from a location different from the facility from which he or she is employed.

Specific Authority 468.1685(2),(5) FS. Law Implemented 468.1695(2) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2005

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: PROVIDER APPROVAL AND RENEWAL PROCEDURES RULE NO.: 64B32-6.005

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

SUMMARY: The proposed rule amendment removes inappropriate language and replaces this with updated language.

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: 456.025(4), 468.361(3) FS.

LAW IMPLEMENTED: 456.025(7), 468.361(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.005 Provider Approval and Renewal Procedures.

(1) through (8) No change.

(9) The provider seeking approval for home study courses also shall understand and agree:

(a) No change.

(b) Each home study course submitted for the Board’s review shall not exceed 12 ~~four~~ contact hours in length as defined in Rule 64B32-6.002, Florida Administrative Code; ~~with reference to the reading ability of the average licensee reviewing the material and responding to the questions asked.~~

(c) through (10) No change.

Specific Authority 456.025(4), 468.361(3) FS. Law Implemented 456.025(7), 468.361(3) FS. History–New 4-24-96, Amended 5-7-97, Formerly 59R-75.0041, Amended 4-23-98, 6-9-99, Formerly 64B8-75.0041, Amended 7-4-02, 10-22-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 8, 2005

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE TITLE: ADMINISTRATIVE DEFINITIONS RULE NO.: 65A-1.203

PURPOSE AND EFFECT: The proposed rule amendment will provide for the use of a paper or electronic/web-based application form to apply for public assistance. It will also clarify definitions related to eligibility for public assistance.

SUMMARY: The proposed rule amendment provides for the use of a paper or electronic/web-based application form to apply for public assistance. Additionally, it clarifies definitions related to the eligibility process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 409.919, 414.45 FS.

LAW IMPLEMENTED: 409.903, 409.904, 410.033, 414.095, 414.28, 414.295, 414.31, 414.095 FS.

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

TIME AND DATE: 10:30 a.m., June 17, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jennifer Lange, Chief of Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 450, Tallahassee, Florida 32399-0700, (850)921-0253

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.203 Administrative Definitions.

Except as otherwise provided within, the following definitions apply to this chapter.

(1) No change.

(2) Economic Self-Sufficiency (ESS): The entity within the department responsible for public assistance eligibility determination. Request for Assistance (RFA), CF-ES Form 2066: A one page form used by interested persons to initiate a determination of their potential eligibility for public assistance. This form serves as the initial document to enter an individual(s) into the Florida On Line Recipient Integrated Data Access (FLORIDA) system. The date the department receives the signed and dated RFA, except as otherwise specified in the program specific sections, establishes the date from which future benefits are determined provided the applicant is a member of the standard filing unit (SFU) or is an authorized/designated representative and completes the interview process.

(3) Application: A specific paper, or electronic/web-based written request on a the designated agency media forms, CF-ES Form 2066, ACCESS Florida Application, May 05, incorporated by reference, or Uniform Resource Locator (URL), www.myflorida.com/accessflorida, which has been dated and signed by the applicant or authorized/designated representative that his eligibility for public assistance be determined. The designated agency form is the CF-ES Form 2067 Application for Public Assistance or Common Application Form and Eligibility Questionnaire, CF-ES 2327, Feb 2004, incorporated by reference in Administrative Rule 65A-1.205.

(4) ~~Application for Public Assistance, CF-ES 2067 (Common Application Form (CAF) or CF-ES 2327: The document which contains the data collected by the case manager or public assistance specialist during interview with the individual applying for public assistance benefits or with the individual's authorized or designated representative. The applicant is required to comply with interview requirements and sign the document before any benefits are provided.~~

~~(4)(5) Date of Application: The date on which a signed, CF-ES 2066, or electronic/web-based application is received in the Department's Economic Self-Sufficiency offices. Applications may be submitted by hand delivery, regular mail, facsimile, or electronically. If a site receives an application electronically or by facsimile after normal business hours, the~~

first business day following the receipt will be the application date the applicant signs the CAF or CF-ES 2327. If the person is the primary information person (PIP), the RFA signature date is the date of application.

(6) through (13) renumbered (5) through (12) No change.

(13) Florida Online Recipient Integrated Data Access (FLORIDA): The computer system used by ESS to assist in eligibility determination and benefit issuance.

(14) Temporary Cash Assistance (TCA): Cash assistance payments authorized under the federal Temporary Assistance for Needy Families program and Chapter 414, Florida Statutes.

(15) Setting Approved by the Department: For the purpose of determining TCA eligibility for a minor child, the term "in a setting approved by the department", means a department-approved, adult-supervised supportive living arrangement for an unwed minor child caring for their dependent child(ren) in accordance with paragraph 65A-4.208(2)(a), F.A.C.

Specific Authority 409.919, 414.45 FS. Law Implemented 409.903, 409.904, 410.033, 414.095, 414.28, 414.295, 414.31, 414.095 FS. History--New 4-9-92, Amended 11-22-93, Formerly 10C-1.203, Amended 11-30-98, 9-12-04,

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Kim Shaver, Director, Economic Self-Sufficiency

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 18, 2005

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE TITLE: Forms for Client Notice and Contact

RULE NO.: 65A-1.400

PURPOSE AND EFFECT: Rule 65A-1.400, F.A.C., has been the rule for incorporating by reference those client notice and contact forms used in more than one program. This rule action changes the rule to one that incorporates by reference all Economic Self-Sufficiency (ESS) program forms used for client notice and contact that impact an applicant's or recipient's ability to obtain or retain eligibility for public assistance. Procedures for verifying information make better use of computerized data sharing and actual source contacts. This has resulted in the elimination of mandated use of specified verification forms. Therefore, the forms have been deleted from the rule.

SUMMARY: The proposed rule amendment changes the rule to one that incorporates by reference all ESS program forms used for client notice and contact that impact an applicant's or recipient's ability to obtain or retain eligibility for public

assistance. A number of contact and notice forms are being newly incorporated by reference or have been amended for clarity and ease of use, as appropriate. Other forms are being deleted because they do not impact on the individual's ability to obtain or retain eligibility or because their use is no longer mandated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost was not prepared for this proposed rule amendment.

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

SPECIFIC AUTHORITY: 409.919, 409.953, 414.45 FS.

LAW IMPLEMENTED: 409.903, 409.904, 410.033, 414.065, 414.075, 414.085, 414.095, 414.105, 414.115, 414.122, 414.125, 414.13, 414.16, 414.21, 414.28, 414.31 FS.

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

TIME AND DATE: 10:30 a.m., June 17, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 450, Tallahassee, Florida 32399-0700, (850)921-0253

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 65A-1.400 follows. See Florida Administrative Code for present text.)

65A-1.400 Forms for Client Notice and Contact.

The following forms are used for Public Assistance Programs to provide applicants and recipients with required notice of the agency's and client's rights and responsibilities and other necessary program information. These forms are hereby incorporated by reference.

(1) Forms that apply to two or more public assistance programs are:

- (a) CF-ES Form 1007, Sep 01 Office of Appeal Hearings Hearing Request
- (b) CF-ES Form 2064, May 04 Rights and Responsibilities
- (c) CF-ES Form 2066, May 05 ACCESS Florida Application or Uniform Resource Locator (URL), www.myflorida.com/accessflorida

- (d) CF-ES Form 2304, Sep 02 Public Assistance Consent to Release Information
- (e) CF-ES Form 2305, Sep 02 Relative Caregiver Program Request for Eligibility Consideration
- (f) CF-ES Form 2332, Mar 05 Appointment Notice for Face-to-Face Interview
- (g) CF-ES Form 2333, Mar 05 Eligibility Redetermination Letter
- (h) CF-ES Form 2334, Mar 05 Request for Information
- (i) CF-ES Form 2335, Mar 05 Request for Information for Elderly and Disabled Individuals
- (j) CF-ES Form 2336, Apr 05 Interim Contact Letter
- (k) CF-ES Form 2514, Jul 03 Authorization to Release Medical Information
- (l) CF-ES Form 2640, May 05 Temporary Cash Assistance (TCA) Medicaid/Food Stamp Program Child Support Cooperation Notice
- (m) CF-ES Form 2641, May 05 Claim Notice – Good Cause for Refusal to Cooperate
- (n) CF-ES Form 2672, Sep 02 Real Property Agreement
- (o) CF-ES Form 3052A, May 05 Change Report Form
- (p) CF-ES Form 3103, Sep 02 Authorized Benefit Representative for Electronic Benefit Transfer
- (2) The Food Stamp Program only forms are:
 - (a) CF-ES Form 2095, May 05 Food Stamp Work Registration Notice
 - (b) CF-ES Form 2331, Jan 05 Food Stamp Application for SSI Applicants
 - (c) CF-ES Form 3010, Sep 02 Authorized Representative Designation
- (3) The Medicaid only forms are:
 - (a) CF-ES Form 990, Sep 02 Designation of Beneficiary

- (b) CF-ES Form 1056, Feb 03 Florida KidCare Application
- (c) CF-ES Form 2039, Apr 03 Medical Assistance Referral
- (d) CF-ES Form 2059ES, Sep 02 Consent of Disclosure Statement
- (e) CF-ES Form 2099, Jul 02 Medicaid Application for Breast and Cervical Cancer KidCare Program Medicaid Eligibility Review
- (f) CF-ES Form 2277, Feb 03 KidCare Program Medicaid Eligibility Review
- (g) CF-ES Form 2293, May 03 Child in Care Medicaid Application
- (h) CF-ES Form 2514, Jul 03 Authorization to Release Medical Information
- (i) CF-ES Form 2613, Sep 02 Financial Information Release
- (j) CF-ES Form 2635, Sep 02 Protective Payee Agreement
- (k) CF-ES Form 2700, Apr 04 Health Insurance Application for Pregnant Women
- (l) CF-ES Form 2701, Feb 03 Request for Length of Treatment Information
- (m) CF-ES Form 2930, May 05 Screening for Expedited Medicaid Appointment
- (n) CF-ES Form 2935, Jan 04 Silver Saver (Application)

- (5) The Temporary Cash Assistance only forms are:
- (a) CF-ES Form 2082, Feb 03 Hardship Extension Review
- (b) CF-ES Form 2094, May 03 Statement of Need for Care
- (c) CF-ES Form 2097, Aug 03 Communication and Work Activity Referral
- (d) CF-ES Form 2299, Feb 03 Substance Abuse and Mental Health (SAMH) Treatment Verification Form
- (e) CF-ES Form 2601, Feb 03 Temporary Cash Assistance Program Refugee Assistance Program
- (f) CF-ES Form 4192, May 05 Notice of Work Penalty

The edition date on some forms is listed with a notation that the edition replaces a previous edition that may still be used. This notation is to indicate that the new edition of the form does not implement a policy change and that supplies of the previous edition of a specific form may be exhausted prior to the use of the new edition.

(2) Single copies of each form being incorporated by reference in this rule may be obtained without cost from the ESS office that serves your area or by written request to the Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Building 3, Room 450, Tallahassee, Florida 32399-0700, or by using the department's Internet site on My Florida.com or its web-based application Uniform Resource Locator (URL) address, www.myflorida.com/accessflorida.

Specific Authority 409.919, 409.953, 410.033, 414.45 FS. Law Implemented 400.903, 409.904, 410.033, 414.065, 414.075, 414.085, 414.095, 414.105, 414.115, 414.122, 414.125, 414.13, 414.16, 414.21, 414.28, 414.31 FS. History—New 4-9-92, Amended 7-1-93, 8-3-94, Formerly 10C-1.400, Amended 12-29-98, 3-18-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lonna Cichon, Government Operations Consultant II
 NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Kim Shaver, Director, Economic Self-Sufficiency
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 14, 2005

- are:
- (4) The Overpayment and Benefit Recovery only forms
 - (a) CF-ES Form 3057, Feb 03 Information Concerning Administrative Disqualification Hearings
 - (b) CF-ES Form 3400, Feb 03 Request for Additional Information
 - (c) CF-ES Form 3410, Aug 01 Waiver of Disqualification Hearing
 - (d) CF-ES Form 3410A, Feb 03 Waiver of Disqualification Hearing
 - (e) CF-ES Form 3414, Aug 99 Disqualification Consent Agreement

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: Conditional Release of Stop Work Order and Periodic Payment Agreement

RULE NO.: 69L-6.025

PURPOSE AND EFFECT: The purpose and effect is to amend existing Rule 69L-6.025, F.A.C., which sets forth procedures for the Division of Workers' Compensation to conditionally release an employer from a stop-work order upon a finding that the employer has complied with the coverage requirements of Chapter 440, Florida Statutes, and has agreed to remit periodic payments of the penalty pursuant to a payment agreement schedule.

SUMMARY: The proposed amendment will allow employers that have been assessed a penalty greater than \$1000 up to sixty months to pay the remaining penalty regardless of the amount of the remaining penalty.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(7)(a) FS.

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

TIME AND DATE: 9:00 a.m., June 14, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrew Sabolic, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.025 Conditional Release of Stop Work Order and Periodic Payment Agreement.

(1) The requirements for issuance of an Order of Conditional Release From Stop Work Order as provided for in Section 440.107, F.S., are:

(a) The employer has come into compliance with the coverage requirements of Chapter 440, F.S. Compliance with the coverage requirements of Chapter 440, F.S. includes

demonstration by the employer that it is no longer failing to secure the payment of compensation within the meaning of Section 440.107, F.S.

(b) The employer and the Department have executed a Payment Agreement Schedule for Periodic Payment of Penalty, Form Number DFS-F4-1600 (rev. 7/04).

(c) The employer agrees to file probationary periodic reports with the Department for a time period that does not exceed 2 years that demonstrate the employer's continued compliance with Chapter 440, F.S. The probationary periodic reports shall be filed as a section of each monthly payment installment invoice pursuant to the Payment Agreement Schedule for Periodic Payment of Penalty.

(2) The terms and conditions of a Payment Agreement Schedule for Periodic Payment of Penalty shall be:

(a) The employer shall make a down payment on the total assessed penalty amount to the Department that is the greater of \$1000.00 or at least 10% of the total assessed penalty amount. The amount constituting the total assessed penalty amount, less the down payment, shall be referred to as the "remaining penalty".

(b) Each monthly payment installment is due on the first day of the month in which it is due, and the employer is in violation of the Payment Agreement Schedule for Periodic Payment of Penalty if the full monthly payment installment is not received by the Department by the last day of the month in which the payment installment is due;

~~1. An employer whose remaining penalty is less than \$13,500, shall pay the remaining penalty in up to sixty twelve consecutive monthly installments.~~

~~2. An employer whose remaining penalty is \$13,500 or greater shall pay the remaining penalty in twenty four consecutive monthly installments.~~

~~3.~~ The employer may at any time pre-pay the installments of the remaining penalty, which have not become due.

~~4.~~ The first monthly payment installment shall be due on the first day of the second month following the month of issuance of the Conditional Release From Stop Work Order, Form Number DFS-F4-1602 (rev. 6/04), and each subsequent payment installment shall be due on the first day of each consecutive month.

(c) Monthly payment installments shall only be remitted to the Department's address designated in the Payment Agreement Schedule for Periodic Payment of Penalty.

(d) Monthly payment installments shall be in the form of a cashier's check or money order only, made payable to the DFS-Workers' Compensation Administration Trust Fund.

(e) If the employer is a corporation, only an officer of the corporation may execute the Payment Agreement Schedule For Periodic Payment of Penalty on behalf of the employer.

(f) If the employer is a business entity other than a corporation, any principal of the business entity may execute the Payment Agreement Schedule For Periodic Payment of Penalty on behalf of the employer.

(g) Failure by the employer to meet or violation of any term or condition of the Payment Agreement Schedule For Periodic Payment of Penalty shall constitute a default by the employer.

(3) The Payment Agreement Schedule For Periodic Payment of Penalty becomes effective when it is executed on behalf of the employer and by the Department. Upon execution of the Payment Agreement Schedule For Periodic Payment of Penalty, the Department will provide the employer with a Monthly Payment Installment Invoice, Form Number DFS-F4-1601 (rev. 8/04), which shall be submitted with each monthly payment installment. Each Monthly Payment Installment Invoice contains a probationary reporting section that shall be completed by the employer.

(4) If an employer defaults under any of its obligations under the Payment Agreement Schedule For Periodic Payment of Penalty, the Stop Work Order to which the penalty applies shall be immediately reinstated and the entire unpaid balance of the remaining penalty shall immediately become due and payable.

(5) The Department hereby adopts and incorporates the following forms by reference. Copies of the forms can be obtained from the Division of Workers' Compensation's Bureau of Compliance, 200 East Gaines Street, Tallahassee, Florida 32399-4228, or from any field office identified in Rule 69L-6.009, F.A.C.

(a)	DFS-F4-1600	Payment Agreement Schedule For Periodic Payment of Penalty	rev. 7/04
(b)	DFS-F4-1601	Monthly Payment Installment Invoice	rev. 8/04
(c)	DFS-F4-1602	Order of Conditional Release From Stop-Work Order	rev. 6/04

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7)(a) FS. History—New 4-6-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dan Sumner, Deputy Director of Workers' Compensation, Division of Workers' Compensation, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman, Director of Workers' Compensation, Division of Workers' Compensation, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.: 5E-14
RULE CHAPTER TITLE: Entomology and Pest Control Regulations

RULE NO.: 5E-14.106
RULE TITLE: Use of Pesticides – Labels, Limitations, Precautions

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), F.S., published in Vol. 31, No. 10, March 11, 2005, issue of Florida Administrative Weekly.

WHEN AMENDED THE PROPOSED RULE WILL READ AS FOLLOWS:

5E-14.106 Use of Pesticides – Labels, Limitations, Precautions.

(6) Pesticides used for treatment for the prevention of subterranean termites for new construction shall be applied in the specific amounts, concentration, and treatment areas designated by the label.

(7) Each pesticide used for the primary preventive treatment of new construction for the prevention of subterranean termites ~~The pesticide~~, in its original formulation, shall be mixed at the treatment site immediately prior to application.

(8) For each pesticide used for preventive treatment for new construction, a copy of the label of the registered pesticide being used shall be carried in the vehicle from which the application is performed. The licensee shall maintain records for 3 years of each treatment for the prevention of subterranean termites for new construction indicating the date of treatment, address of property treated, total square footage of structure treated, pesticide used, percent concentration of mixture applied and total volume applied as well as maintaining records of all termiticides purchased obtained, or available for its use; the total amount of the area treated; and the total number of sites treated using this and any other method of treatment for the prevention of subterranean termites.

(9) When a pesticide registered as a preventive treatment for new construction has been applied as a preventive treatment for a structure in accordance with subsection 5E-14.106(6), F.A.C., or will be applied prior to completion of

construction, a secondary treatment using a second pesticide registered for preventive treatment for new construction may be applied in the amounts, concentration, and treatment area in accordance with label directions.

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS., P. L. 92-516, Section 1, Chapter 92-203, Laws of Florida. History--New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.106, Amended 7-5-95, 4-17-03,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-302.104
 RULE TITLE: Correctional Probation Officers Carrying Firearms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 17, (April 29, 2005), issue of the Florida Administrative Weekly:

33-302.104 Correctional Probation Officers Carrying Firearms.

- (1) through (2) No change.
- (3) Authorization Procedures.

(a) In addition to the requirements of this rule, correctional probation officers who elect to carry firearms shall also be required to comply with training and qualification requirements in accordance with Chapter 943, F.S 33-209, F.A.C.

(b) Any correctional probation officer who elects to carry a firearm while on duty shall obtain authorization through the circuit administrator. Any circuit administrator or deputy regional director of community corrections who elects to carry a firearm while on duty shall obtain authorization from the regional director of community corrections. A regional director of community corrections who elects to carry a firearm while on duty shall obtain authorization from the Assistant Secretary of Community Corrections. A Deputy Assistant Secretary of Community Corrections who elects to carry a firearm while on duty shall obtain authorization from the Assistant Secretary of Community Corrections. The written request shall contain documentation that the individual has complied with the required training and qualification requirements of the Criminal Justice Standards and Training Commission and the Department provided in Chapter 33-209, F.A.C.

(c) Correctional probation officers who elect to carry firearms while on duty shall complete training and qualification requirements in accordance with Chapter 943, F.S. pursuant to Rule 33-209.103, F.A.C. Correctional probation officers shall not be allowed to carry a firearm on duty until firearms qualification is successfully completed and a weapon card has been issued. Initial qualification, annual qualification and training shall be completed using the specific weapon that the officer will be using on duty and any type of ammunition approved by the local training center. Documentation of the model, make, and serial number of the weapon used, proof of ownership, and firearm inspection by a certified gunsmith or law enforcement armorer shall be submitted along with the documentation of training and qualification in the request for authority to carry the firearm. Correctional probation officers shall not be authorized to carry more than one firearm at a time. This approved single weapon shall be the only weapon authorized to be carried by the correctional probation officer until the annual qualification or transition training has been completed with a different weapon.

(d) No change.

(e) Prior to approving a request to carry a firearm, the reviewing authority shall review the request, the documentation of training and qualification ~~pursuant to Chapter 33-209, F.A.C.~~, and shall complete a Florida Crime Information Center/National Crime Information Center (FCIC/NCIC) check on the firearm by serial number, and an FCIC/NCIC check on the applicant. Upon approval, the reviewing authority shall issue a weapon card which establishes that the officer has been authorized to carry a specific firearm while on duty.

(f) The weapon card shall expire twelve months after the date of the initial qualification unless written documentation of annual qualification is submitted to the authorizing entity prior to the expiration of the weapon card. The officer shall be required to successfully qualify within twelve months after the date of the initial qualification and every twelve months thereafter ~~pursuant to Chapter 33-209, F.A.C., and this rule~~ in order to remain qualified to carry a firearm.

(g) Annual qualification must occur prior to the employee’s weapon card expiration month. The new weapon card will be issued effective the date of the annual qualification. If the weapon card has expired and the officer has not attended annual training, the officer will need to reapply to carry a firearm and demonstrate proficiency by successfully qualifying with the specified firearm. If the employee is unable to attend annual qualification training due to circumstances beyond the employee’s control, the employee may, if approved by the reviewing authority, qualify by demonstrating proficiency with the weapon without being required to re-attend initial qualification training.

(h) The reviewing authority shall immediately suspend authorization to carry a firearm, except for firearm training purposes, and shall secure the weapon card from any officer

who has failed to qualify as of the card expiration month. Suspension of the weapon card removes the officer’s authority to carry a firearm while on duty. A correctional probation officer who attempts to qualify and fails shall be provided the opportunity to participate in remedial firearm training as specified in Chapter 33-209, F.A.C. at a time approved by the reviewing authority.

- (i) No change.
- (4) through (8) No change.
- (9) Removal of Authorization to Carry a Firearm.
- (a) The reviewing authority shall suspend the authorization to carry a firearm for a correctional probation officer if:
 - 1. through 2. No change.
 - 3. The correctional probation officer is found to have been negligent by failure to comply with those standards and procedures provided in the training required by Chapter 33-209, F.A.C., or
 - 4. No change.
 - (10) through (11) No change.

Specific Authority 20.315, 790.06, 944.09 FS. Law Implemented 20.315, 790.06, 944.09 FS. History–New 5-28-86, Amended 7-7-92, 12-20-92, 03-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, 12-5-01, 8-13-03, 6-24-04,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-603.101 Use of Committed Name
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 15, (April 15, 2005), issue of the Florida Administrative Weekly:

- 33-603.101 Use of Committed Name.
- (1)(a) No change.
- (b) The department shall register any known aliases on the inmate’s record and shall also designate on the record which name is the inmate’s true or legal name if this information is available. If an inmate’s true or legal name is not the committed name, the inmate shall be permitted to use the true or legal name on documents and mail so long as the committed name and DC number appear first, followed by the true or legal name.
- (c) through (4) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 9-30-93, Formerly 33-6.012, Amended 4-29-02, 5-20-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Sapp

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
61D-7.013 Superfecta Pool
NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 31, No. 10, March 11, 2005, issue of the Florida Administrative Weekly. The change is in response to written comments received from the Joint Administrative Procedures Committee.

- 61D-7.013 Superfecta Pool.
- (1) through (10)(b) No change.
- (c) If the Superfecta gross pool is refunded in accordance with the above-described rules, then all monies carried over, if any, shall be carried over to held in escrow until the next regularly scheduled Superfecta.
- (d) through (14) No change.

Specific Authority 550.0251(3),(7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History–New 10-20-96, Amended_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATON

Construction Industry Licensing Board

RULE NO.: RULE TITLE:
61G4-15.030 Certification of Registered
Contractors

NOTICE OF WITHDRAWAL

Notice is hereby given that the proposed repeal of the above-referenced rule, as published in Vol. 31, No. 13, of the Florida Administrative Weekly on April 1, 2005, has been withdrawn.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:
61G4-18.001 Continuing Education
Requirements for
Certificateholders and
Registrants

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 13, of the April 1, 2005, issue of the Florida Administrative Weekly. The Board

considered this rule at its meeting held on April 15, 2005, and determined that additional changes were necessary in the rule. The Board voted to make the following changes:

1. The second sentence of subsection (3)(b) shall be changed to read as follows: "These courses may include topics considered as contract administration and project management activities, including marketing, management and operation of the day-to-day activities of a construction contracting firm and advanced knowledge of the trade in which the contractor is licensed."

2. The last sentence in subsection (4) shall be changed to read as follows: "Workers' compensation, work place safety and business practice courses approved for the continuing education requirements for persons certified or registered under Chapter 489, Part II, F.S., shall be accepted for continuing education for renewal under this rule."

3. The rule will reflect an effective date of September 1, 2005.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
61G15-24.002 Unlicensed Activity Fee
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 50 of the December 10, 2004 issue, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE NO.: RULE TITLE:
61G16-9.001 Disciplinary Guidelines
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 7, February 18, 2005, issue of the Florida Administrative Weekly. These changes are being made in response to comments from the Joint Administrative Procedures Committee.

Subsection (5) of the rule now reads as follows:

(5) Aggravating/Mitigating Circumstances – The existence of aggravating or mitigating circumstances, as set forth below, will permit deviation from the guidelines upon clear and convincing evidence. When considering a Recommended Order, the fact that a Hearing Officer may or may not have been aware of aggravating or mitigating

circumstances prior to recommending a penalty, shall not obviate the duty of the board to consider them when brought to its attention prior to the issuance of a Final Order.

Subsection (5)(a)4. now reads as follows:

4. A pattern of behavior evidencing repeated disregard of the practice act or rules.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Board of Professional Geologists, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NOS.:	RULE TITLES:
61G17-6.002	Definitions
61G17-6.003	General Survey, Map, and Report Requirements
61G17-6.004	Specific Survey, Map, and Report Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 52, of the December 15, 2004, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting held on April 13-14, 2005, voted to make changes to the rules to address the JAPC concerns. The changes are as follows:

61G17-6.002(6) should read as follows: "Ortho-Image/Photos: a synthetically produced image in which positions of features are properly located in the specific map projection. Generally, this involves correction of a perspective image for relief displacement and scale variation so that the resulting scale is uniform throughout."

61G17-6.002(8) should read as follows: "Raster Images: a two-dimensional matrix

of digital picture elements whose values represent levels of energy reflected or emitted by the surface being photographed, scanned, or otherwise sensed."

61G17-6.003(3)(p)1.: add a space between "(m)." and "When"

61G17-6.003(3)(p)1.: After the last sentence add the following language "This does not mean that every map must be tested against ground truth, but rather that the process of obtaining the stated accuracies must be documented and proven to achieve said stated accuracy."

61G17-6.003(3)(p)2.a.: After the word "truth" add the following language "This does not mean that every map must be tested against ground truth, but rather that the process of obtaining the stated accuracies must be documented and proven to achieve said stated accuracy."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32362-0767

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-33.0032
 RULE TITLE: Board Approval of CPA Ethics Continuing Education by Providers

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 5, February 4, 2005, issue of the Florida Administrative Weekly. These changes are being made in response to comments from the Joint Administrative Procedures Committee.

Subparagraph (3)(i) now reads as follows:

(i) A fee in the amount of \$250.00 to reimburse the Board and Department for the review of each course for compliance with these Rules and Section 473.312(1)(c), F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Johnson, Executive Director, Board of Accountancy, 240 N. W. 76th Street, Gainesville, Florida 32607

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-44.005
 RULE TITLE: Citations

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 31, No. 9, March 4, 2005, issue of the Florida Administrative Weekly. These changes are being made in response to comments from the Joint Administrative Procedures Committee.

Subparagraph (2) has been changed as follows:

(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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Medicine, Dietetics and Nutrition Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NOS.:	RULE TITLES:
64B16-27.100	Display of Wall Certificate and Renewal Certificates
64B16-27.1003	Transmission of Prescription Orders
64B16-27.104	Conduct Governing Registered Pharmacists and Pharmacy Permittees
64B16-27.210	General Terms and Conditions to Be Followed by a Pharmacist When Ordering and Dispensing Approved Medicinal Products

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 50, December 19, 2004, issue of the Florida Administrative Weekly. The changes are being made in response to comments from the Joint Administrative Procedures Committee.

The changes are as follows:

1. The Statement of Facts and Circumstances Justifying Rule Proposal is amended to read: The Board proposes these rule amendments and new rules to update and to consolidate all requirements of pharmacy practice into Rule Chapter 64B16-27, F.A.C. These amendments are the result of the Board's first comprehensive review of all its rules in over ten years. The Board is implementing Sec. 465.186, F.S.

2. The Purpose and Effect is amended to read: The Board proposes the rule amendments as part of its overall comprehensive review of all pharmacy rules in order to update the rules and to consolidate all pharmacy practice requirements into Rule Chapter 64B16-27, F.A.C.

3. The title of Rule 64B16-27.100, F.A.C., is amended to read: Display of Current License; Pharmacist and Intern Identification.

4. Subsection 64B16-27.100(1), F.A.C., is amended to read: The current license of each pharmacist engaged in the practice of the profession of pharmacy as defined by Section 465.003(13), F.S., in any pharmacy shall be displayed, when applicable, in a conspicuous place in or near the prescription department, and in such manner that said license can be easily read by patrons of said establishment. Pharmacists employed in secondary practice sites shall present a valid wallet license as evidence of licensure upon request.

5. Subsection 64B16-27.104(5), F.A.C., is amended to read: The Board shall not register a prescription department manager as the manager of more than one pharmacy. The Board shall grant an exception to this requirement upon application by the permittee and the prescription department manager showing circumstances such as proximity of permits and limited pharmacist workload that would allow the manager to carry out all duties and responsibilities required of a prescription department manager.

6. Rule 64B16-27.210, F.A.C., introductory paragraph is amended to read: Pursuant to the authority of the Formulary Committee in Section 465.186, F.S., a pharmacist may order the medicinal drug products listed in Rule 64B16-27.220, F.A.C., subject to the following terms and limitations:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lucy Gee, Acting Executive Director, Board of Pharmacy /MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.004
RULE TITLE: Procedures for Approval of Attendance at Continuing Education Courses

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule development, as noticed in Vol. 31, No. 14 of the April 8, 2005 issue, Florida Administrative Weekly, has been withdrawn.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE TITLE: Business Partner Program
RULE NO.: 53ER05-44

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the Business Partner Program in which Florida businesses may purchase books of instant tickets directly from the Florida Lottery at a discounted price.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-44 Business Partner Program.

(1) In accordance with the provisions set forth in this rule, a business may purchase books of instant lottery tickets directly from the Florida Lottery at a discounted price. For purposes of this rule, the term "business" shall include, but not be limited to, the following: for-profit businesses; non-profit, charitable and civic organizations; trade or other associations. Businesses that participate in the program shall be known as "Florida Lottery business partners."

(2) To be eligible to receive a discounted price, the business:

(a) Must not be a current Florida Lottery retailer;

(b) Must purchase and use the tickets within the state of Florida; and

(c) Must use the tickets only for incentive programs or other stated promotional purposes subject to approval by the Lottery. Upon placing an order with the Lottery, the business partner shall describe the promotional purposes for which the ordered tickets will be used on Order Form DOL-466, Effective 05/05, for review and approval or disapproval by the Lottery. Order Form DOL-466 is hereby incorporated by reference and may be obtained from the Florida Lottery, Business Development Unit, 250 Marriott Drive, Tallahassee, Florida 32399-4047.

(3) The percentage discount applied to the retail value of a book of instant lottery tickets shall be based on the total retail value of full books purchased by the business partner as follows:

<u>Total Retail Value of Books Purchased by Business Partner</u>	<u>Percentage Discount applied to the Retail Value of the Book of Instant Lottery Tickets</u>
<u>In one Calendar Year</u>	
<u>\$300-\$1,500</u>	<u>3%</u>
<u>\$1,501 to \$3,000</u>	<u>4%</u>
<u>\$3,001 or more</u>	<u>5%</u>

In January of each year, the Florida Lottery will begin tracking the total retail value of books of instant lottery tickets purchased by a business partner during the calendar year. As new orders are placed by the business partner, the Florida Lottery will apply the applicable percentage discount shown in the table above to the cumulative retail value of books purchased.

(4) Upon placing its first order with the Lottery, each business partner shall execute a Business Partner Program Participation Form DOL-465, Effective 05/05, acknowledging its understanding of the terms of the Business Partner Program and designating persons authorized to purchase Florida Lottery products. Business Partner Program Participation Form

DOL-465 is hereby incorporated by reference and may be obtained from the Florida Lottery, Business Development Unit, 250 Marriott Drive, Tallahassee, Florida 32399-4047.

(5) Lottery tickets sold by the Lottery to a business partner may not be resold.

(6) Full payment is due to the Lottery upon delivery of lottery tickets to the business partner. Payment may be made by Cashier's check or business check for tickets delivered to the business partner by the Lottery. Payment may be made by cash if ordered lottery tickets are picked up by the business partner at a Lottery office.

(7) The Lottery assumes no responsibility for tickets that are lost, stolen or damaged after purchase.

(8) Business partners are prohibited from distributing Florida Lottery tickets outside the state of Florida.

(9) Business partners shall comply with all provisions of Chapter 24, Florida Statutes, as well as rules and regulations heretofore or hereafter promulgated by the Lottery.

Specific Authority 24.105(9)(b),(h), 24.109(1) FS. Law Implemented 24.105(9)(b),(h) FS. History--New 5-10-05, Replaces 53ER04-56.

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

EFFECTIVE DATE: May 10, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Prescribed Drug Prior Authorization Process RULE NO.: 59GER05-2

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE: The immediate implementation of this rule provides procedures for the prior authorization process which is necessary for the Agency to manage the prescribing of certain dangerous drugs to avoid harm to patients.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Patient safety is the overriding concern.

SUMMARY OF THE RULE: This rule establishes a mechanism to ensure that certain drugs are prescribed according to established clinical guidelines and protocols in order to avoid harm to recipients.

THE FULL TEXT OF THE EMERGENCY RULE IS:

59GER05-2 Prescribed Drug Prior Authorization Process. Drugs requiring a clinical prior authorization are Actiq; Albumin; Aranesp; Botox; Cytogam; Food Supplements; Fuzeon, Growth Hormone for HIV/AIDS Wasting in Adults-Serostim; Leukine; Myobloc; Neupogen; Neurontin; Neutrexin; Nexium; Panretin; Procrit; Proleukin; Provigil; Regranex in long term care facilities; Somatropin, rh-GH for Growth Hormone Deficient Adults; Targretin Gel and

Capsules; Valcyte; OxyContin; and IVIG. AHCA may add other drugs to the list of drugs requiring prior authorization if abuse or misuse has been identified or if AHCA evaluation indicates that a newer more, expensive drug has no substantive additional value over existing therapies. With a few exceptions prior authorization requests are made by telephone to the Prior Authorization Help Desk of Affiliated Computer Services (ACS) in Atlanta at (877)553-7481. The Help Desk approves or denies the request based on Florida Medicaid protocol. Forms must be faxed or mailed to ACS Prescription Benefits Manager, Florida Medicaid Clinical Services, 365 Northridge Road, Suite 400, Atlanta, Georgia 30350. The Fax number is (877)614-1078 (toll free).

A few drugs are prior authorized by the Medicaid Bureau of Pharmacy Services. These are Botox, Cytogam, Growth Hormone for treatment of HIV/AIDS wasting in adults-Serostim, Myobloc, Panretin, Proleukin, Regranex in long term care facilities, and Targretin Gel and Capsules. Prior authorization for these drugs may be obtained by calling (850)487-4441, faxing the forms to (850)922-0685 or mailing them to Medicaid Bureau of Pharmacy Services, 2727 E. Mahan Drive, Mail Stop 38, Tallahassee, FL 32308.

For Regranex, use Pharmacy - Miscellaneous - Prior Authorization Form. When requesting prior authorization, the provider must provide recipient data consisting of the recipient's name, ten-digit Medicaid identification number, and date of birth; prescriber data consisting of prescriber's name, mailing address, telephone and fax numbers and professional license number; pharmacy data consisting of the pharmacy's provider number, address, and telephone and fax numbers; drug data consisting of the drug name, strength, dosage form, NDC code, and quantity needed; and drug justification consisting of required justification of the patient's need for the drug.

Actiq is approved for the treatment of acute pain, secondary to cancer in opioid tolerant patients. The Food and Drug Administration required the manufacturer of Actiq to include a black box warning before any other information stating that Actiq is indicated only for breakthrough cancer pain. Life-threatening hypoventilation can occur at any dose in patients not also taking chronic opiates.

Albumin use is approved for the diagnoses of hypoalbuminemia due to acute liver failure, hepatic cirrhosis, nephrotic syndrome, tuberculosis, trauma, or burns. Albumin use will not be approved for caloric supplement or as an additive to TPN admixture. Approved indications for Aranesp are anemia with renal failure; anemia associated with chemotherapy. Clinical studies have demonstrated that using Aranesp to increase the hematocrit above 36 percent increased the incidence of cardiac events, particularly myocardial infarction among renal dialysis patients. For initial therapy patients must meet all three of the following requirements: no active gastrointestinal bleeding; hematocrit less than 33

percent and hemoglobin less than 11; and lab data within two months of prior authorization. For continuation of therapy patients must meet all three of the following requirements: no active gastrointestinal bleeding; hemoglobin of less than 13 and hematocrit of less than 36 percent; and lab data within 2 months of prior authorization.

Medicare covers Botox. Medicaid coverage of Botox is approved for children being treated by the Shriner's clinic only. It must be prior authorized by AHCA, Bureau of Pharmacy Services. Cytogam is approved for the maximum length of therapy of sixteen weeks. It will only be approved for recipients who are cytomegalous-seronegative and have had a transplant from a cytomegalous-seropositive donor.

Nutritional supplements reimbursement is justified as an alternative to admission to a nursing facility or hospital, and will not be approved to augment normal dietary sources of nutrition. Medicaid will not reimburse for standard infant formulas or other supplements without documented medical need. Before requesting prior authorization for food supplements, the provider must obtain a written statement from the physician that includes the recipient's diagnosis and prognosis; the recipient's height and weight, and date measured; the medical justification for using a food supplement over other dietary regimens such as blended or pureed food, fortified milk shakes, puddings, custards, high calorie and high protein meals, etc.; and a statement that without the food supplement the recipient will require institutionalization. If the recipient is younger than five years of age, the Women, Infants and Children (WIC) program must be used first. This documentation must also be kept on file in the provider's patient records. This therapy must be prior authorized by ACS. Coordination of benefits with the WIC program is required for children under five years of age and pregnant women. Medicaid authorizations for nutritional supplements can be approved for requirements in excess of WIC allocations or if WIC cannot supply the required product and WIC documentation is attached to the prior authorization request. WIC eligible authorizations are approved for six months.

Growth hormone therapy is currently approved for the diagnosis of HIV wasting and cachexia in recipients over 18 years of age and over. The recipient's physician must coordinate approval for growth hormone therapy for adults. The recipient's physician must complete, sign and date the Serostim Growth Hormone for HIV/AIDS Wasting Prior Authorization (PA) form, including the required test results. A current bioelectric impedance analysis (BIA) test must be performed and copy submitted with all requests for renewals. The recipient must have experienced at least a 7.5 percent unintentional weight loss within the past six months for initial approval. The recipient must be currently receiving AIDS anti-retroviral therapy. The approval period is for a total of ninety (90) days from the start date of therapy. The length of

therapy is twelve weeks according to the manufacturer's package insert, with a break of eight weeks before re-certification can be considered for approval. A current BIA must be performed and a copy submitted with all requests for renewals. Alternatively, recipient must have a Body Cell Mass (BCM) less than 35 percent for a male or less than 23 percent for a female and a Body Mass Index less than 24 or a five percent BCM loss in six months. Dosage must be adjusted according to recipient's weight. The recipient must not be pregnant. Medical justification for continuing human growth hormone for adults can be requested from the physician to support additional therapy. For initial therapy or request for additional therapy the physician must submit a new prior authorization form with the recipient's weight chart for the past six months signed and dated by the physician. Medicaid will reimburse up to \$36,000 per calendar year per recipient. Subsequent prescriptions must be billed to the National Organization for Rare Disorders. Fuzeon in combination with other antiretroviral agents is indicated for the treatment of HIV-1 infection in treatment-experienced patients with evidence of HIV-1 replication despite ongoing antiretroviral therapy. Clinical experience with Fuzeon indicates that the overuse of an antiretroviral drug will result in an early development of viral resistance. Consensus of medical opinion is that Fuzeon should be reserved for those patients with only a few choices of antiretroviral drugs left, delaying the development of viral resistance. Leukine is indicated for use following induction of chemotherapy in acute Myelogenous Leukemia, in mobilization and following transplantation of autologous peripheral blood progenitor cells in Myeloid reconstitution after autologous and allogeneic bone marrow transplantation, and in bone marrow transplantation failure or engraftment delay. Myobloc therapy will only be approved if the recipient has a diagnosis of cervical dystonia (CD), a neurological disorder that forces a person's neck and shoulder muscles into abnormal and sometimes painful movements or positions. The physician must provide a written prescription. Each prior authorization request can be approved for a maximum of 16 weeks. It must be prior authorized by AHCA, Bureau of Pharmacy Services. Neupogen is covered exclusively for cancer patients receiving myelosuppressive chemotherapy, cancer patients receiving bone marrow transplants, acute myeloid leukemia receiving induction or consolidated chemotherapy, peripheral blood progenitor cell collection and therapy in cancer patient, severe chronic neutropenia, either congenital, cyclic, or idiopathic severe neutropenia in AIDS patients on antiretroviral therapy. A lab test (date) and an absolute neutrophil count are required. Neurontin is approved for partial/partial complex seizure disorders, post-herpetic neuralgia, diabetic neuropathy of the lower extremities, and treatment of amyotrophic lateral sclerosis (ALS). Unchallenged off-label use of Neurontin means that patients may have unnecessary delays in receiving drug therapy that is proven safe and effective for a variety of

diseases. In addition, there have been reports in the lay press of increased incidence of suicides associated with the off-label use of Neurontin. Section 409.912(39)(a)14., F.S.

Neutrexin® therapy is approved for the diagnoses of metastatic carcinoma of head and neck, metastatic colorectal adenocarcinoma, and refractory pneumocystis carinii pneumonia (PCP) and a failure of or intolerance to sulfamethoxazole-trimethoprim. The provider must document previous dosages and clinical response of all previous therapies. Neutrexin will not be approved for prophylactic use. Each prior authorization request can be approved for three months. The documentation must be kept on file in the provider's patient record. Nexium will be approved if a failure of existing therapy is documented and submitted to ACS's Therapeutic Consultation Program.

Panretin is indicated for the topical treatment of Kaposi Sarcoma (KS) lesions. It is recommended for use where the total number of lesions is less than ten and is between two and three centimeters (cm) in size. Recipients whose lesions number greater than ten should be on systemic therapy. The concurrent use with systemic KS treatment is not recommended.

Procrit is covered for anemia associated with renal failure if patient is not on dialysis, anemia associated with HIV infection therapy, anemia associated with chemotherapy, and blood transfusions, allogeneic, in anemic surgery patients. Lab tests with dates and results are required. It is contraindicated for patients with gastrointestinal bleeding.

Proleukin therapy is currently approved for the diagnoses of renal cell carcinoma, metastatic melanoma, non-Hodgkin's lymphoma, and acute myelogenous leukemia. Dosage and frequency of dosing must be provided. Each prior authorization request can be approved for a maximum of three months.

Provigil will only be approved if the recipient is 15 years of age or older and has a diagnosis of narcolepsy or has one of the two new FDA approved conditions for use: obstructive sleep apnea/hyponea syndrome or shift work sleep disorder. Approval for treatment of narcolepsy is based upon the clinical interpretation of either of these tests, Multiple Sleep Latency or Maintenance of Wakefulness. The physician must submit clinical interpretation of either test. Approval for obstructive sleep apnea/hyponea syndrome is based upon the clinical interpretation of either Multiple Sleep Latency/Maintenance of Wakefulness Test or Psychomotor Vigilance Task or Steer Clear Performance and concurrent use of continuous positive airway pressure (CPAP) with significant compliance. The physician must submit clinical interpretation of either battery of tests and documentation of usage of CPAP. Approval of shift work sleep disorder is based upon the clinical interpretation of either Multiple Sleep Latency/Maintenance of Wakefulness and the patient's night shift work schedule.

Regranex in long-term care facilities is limited to diabetic recipients diagnosed with a lower extremity diabetic neuropathic ulcer, and who are taking diabetic medications.

Regranex® is limited to 15gm per prescription for a maximum of 140 days per year. Somatotropin approval requires growth hormone deficiency confirmed by a growth hormone stimulation test or insulin tolerance test. When a dose adjustment is requested, a recent IgF level must be provided. Growth hormone is contraindicated in the presence of active malignancy. Abrupt cessation of this drug can cause extreme swings of the patient's blood glucose and cortisol levels. To ensure continuing coverage growth hormone should be approved for growth hormone deficient adults.

Targetin Gel 1% and capsules coverage is limited to the topical treatment of cutaneous T-cell lymphoma (CTCL) in patients refractory to at least one prior systemic therapy. It is not covered for pregnant women and is not indicated for women who might become pregnant. Height and weight information is required. Vitamin A intake is limited to no more than 15,000 IU per day. Valcyte is approved for use in cytomegalovirus retinitis and cytomegalovirus treatment or prophylaxis in organ transplantation. Valcyte is contraindicated in peritoneal dialysis, hemodialysis, when the patient's platelet count of 25,000 or less, hemoglobin is 8 gm/dl or less, or the absolute neutrophil count is 500 cells/mm or less. The clinical prior authorization helps ensure that recipients do not receive the drug if the patient's bone marrow is significantly depressed.

Florida Medicaid will allow one strength of Oxycontin per 30-day period and a maximum of four tablets per day within a 30-day period of the following strengths: 10mg, 20mg, 40mg and 80mg. Doses greater than four tablets per day of these strengths will require prior authorization. Doses greater than two tablets per day of the 160mg within a 30-day period will require prior authorization. Changes in strengths within a 30-day period will require prior authorization. Prior authorizations will be given up to six months depending on medical diagnosis. Therapy exceeding these limits must be prior authorized by ACS.

Intravenous immunoglobulin therapy (IVIG) will be covered effective January 2, 2002, by Florida Medicaid for the following conditions based specific requirements: immunodeficiency disorders, primary humoral immunodeficiency syndromes identified as CVID (common variable) immunodeficiency, X-linked agammaglobulinemia, SCID (severe combined immunodeficiency), IgM (X-linked immunodeficiency with hyperimmunoglobulin), Wiskott-Aldrich Syndrome; and other immunodeficiency disorders including idiopathic thrombocytopenic purpura (ITP), Pediatric Human Immunodeficiency Virus (HIV) Infection. Approved neurological disorders for treatment with IVIG are Guillian-Barre' Syndrome, relapsing-remitting Multiple Sclerosis, chronic inflammatory demyelinating

polyneuropathy, Myasthenia Gravis, polymyositis and dermatomyositis. Other approved disorders for treatment with IVIG are chronic lymphocytic leukemia, bone marrow transplantation (BMT), Kawasaki Disease (Mucocutaneous Lymph Node Syndrome) autoimmune Hemolytic Anemia and Autoimmune Neutropenia. If a prior authorization request is approved, a prior authorization number will be assigned to the recipient for a specified period of time, based on the prior authorization protocol or the written prescription, whichever is less. The beginning and ending date of the prior authorization will be provided to the requesting provider, who must record the approved time period for reference purposes. The provider and the recipient must be eligible on the date of service and, should this drug exceed the four-brand limit, the prescriber must have received the exception from the Therapeutic Consultation Program (TCP). If a prior authorization is approved, the TCP help desk should automatically enter a four-brand over-ride, if applicable. The prior authorization number will be used by Medicaid to authorize payment for the prescription during the approved period. The provider does not need to enter the number on the claim. Requests for renewal of prior authorization must be submitted before an existing prior authorization expires. Medicaid may not reimburse for prescriptions without an approved renewal. Prior authorization renewals are obtained by providing current recipient assessments, updated information (including dosage), and a new Prior Authorization Form and written prescription from the physician.

Specific Authority 409.919 FS. Law Implemented 409.906(20), 409.908, 409.912 FS. History—New 1-1-77, Amended 6-30-77, 10-1-77, 2-1-78, 4-1-78, 9-28-78, 6-1-79, 2-28-80, 11-11-81, 7-3-84, Formerly 10C-7.42, Amended 3-11-86, 12-5-88, 6-4-90, 10-29-90, 5-20-92, 4-11-93, Formerly 10C-7.042, Amended 12-28-95, 8-3-97, 2-11-98, 9-13-99, 7-20-00, 1-29-01, 4-24-01, 10-6-02, 5-11-05.

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

EFFECTIVE DATE: May 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."

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from William Markham and Bradley Linville. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 31, No. 19, May 13, 2005.

No public comment was received.

The petition requested a waiver of subparagraph 11B-20.0014(1),(2)(d), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certain reporting requirements for 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, Telephone (850)410-7687.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice is hereby given that the Department of Highway Safety and Motor Vehicles has approved petitions for variance of Rule 15A-10.014, F.A.C., submitted by the following programs: Northeast Florida Safety Council, filed on March 15, 2005, and DUI Counterattack Hillsborough, filed on March 16, 2005. The Department approved the above variances on May 3, 2005.

The petitioners were seeking to contribute to their programs' retirement plan in excess of the percentage of gross compensation contributed for members of the regular class of the Florida Retirement System (FRS). The petition was approved on the basis that the FRS contribution rate for the regular class is at 6.20% this fiscal year due to positive investment performance and the legislature's decision to spend down the FRS trust fund surplus. There are inherent and significant differences in how the FRS fund functions as compared to the DUI programs' retirement plans. Therefore, application of this rule would create a substantial hardship for the DUI programs and their employees. Notice of the petitions was published in the FAW on April 15, 2005.

A copy of the order(s) can be obtained from: Bureau of Driver Education and DUI Programs, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, MS 88, Tallahassee, Florida 32399-0571.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on April 25, 2005, the South Florida Water Management District (SFWMD), received a Petition for Variance (Application No. 050425-1) from the Greater Orlando Aviation Authority, for a project known as Pond MT North Modification, located in Orange County. The Petition seeks relief from Section 7.4(d) of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, incorporated by reference in paragraph 40E-4.091(1)(a), F.A.C., pertaining to wet retention/detention area dimensional criteria.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320, e-mail: kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33408, Attn: Kathie Ruff, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Board of Funeral Directors and Embalmers hereby gives notice that it has received a petition, filed on April 15, 2005, from Michael R. Tharp, CFSP, seeking a waiver or variance of subsection 61G8-25.001(2), F.A.C., with respect to continuing education requirements of the original state of licensure.

Comments on this petition should be filed with Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0754, within 14 days of publication of this notice.

For a copy of the petition, contact: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, at above address or telephone (850)487-1395.

The Board of Funeral Directors and Embalmers hereby gives notice that it has received a petition, filed on April 8, 2005, from Rasalin Martinez seeking a waiver or variance of Rules 61G8-18.001, 61G8-18.002 and 61G8-18.003, F.A.C., with respect to concurrent internships.

Comments on this petition should be filed with Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0754, within 14 days of publication of this notice.

For a copy of the petition, contact: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, at above address or telephone (850)487-1395.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice that the Petition, filed on February 10, 2005, by Allen R. Grossman, Esquire, on behalf of Ronnette Garcia Lopez, D.D.S., noticed in the April 8, 2005, Vol. 31, No.14, Florida Administrative Weekly, has been withdrawn.

For any questions regarding the Petition, contact: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, 32399-3258, (850)245-4474.

NOTICE IS HEREBY GIVEN that on May 3, 2005, the Department of Health received a petition from Michael S. Price, R.S., representing Norweco Norwalk Wastewater Equipment Company, requesting a waiver pursuant to Section 120.542, F.S. Specifically, the petitioner seeks a waiver from paragraph 64E-6.013(11)(d), F.A.C., which requires that tanks with seams below the invert of the outlet shall be watertightness tested in accordance with ASTM C 1227-98, Standard Specification for Precast Concrete Septic Tanks, paragraph 9.2.2, after installation in the field.

Comments on this petition should be filed with: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1734.

A copy of the petition may be obtained from: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1734.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Health, Bureau of Emergency Medical Services, received a Petition for Permanent Variance on February 7, 2005, from the City of Hialeah Fire Department.

Applicable Rule: Subsection 64E-2.007(3), F.A.C.

Nature of Rule: The rule requires that all transport vehicles permitted to licensed services must meet the vehicle design specifications, except for color schemes and insignias, as listed

in United States General Services Administration (GSA)-KKK-1822, Federal Specifications for Ambulances as mandated by Section 401.35(1)(d), Florida Statutes, applicable to the year of the manufacture of the vehicle.

Date and Place of Notice: Notice was published on February 25, 2005, in the Florida Administrative Weekly

Date of Order: May 9, 2005

Basis for Agency Decision: The agency denied the Petition for Variance. The Petitioner failed to demonstrate substantial hardship, violation of principles of fairness, or data or facts to show the purpose of the underlying statute is being achieved by other means.

A copy of the Order may be obtained by submitting a written request to: Melia Jenkins, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738.

P.O. DO 29262

NOTICE IS HEREBY GIVEN that on May 5, 2005, the Department of Health received a petition from Nancy G. Linnan, Esq., representing Infiltrator Systems Inc., requesting a variance pursuant to Section 120.542, Florida Statutes, regarding the Quick 4 Equalizer 36 Chamber Endplate. Specifically, the petitioner seeks a variance from subsection 64E-6.009(7), F.A.C., which requires alternative system components to undergo innovative system testing in Florida and requires all products to be sized equivalently to gravel unless used as part of a performance-based system.

Comments on this petition should be filed with the Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1734.

A copy of the petition may be obtained from: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1734.

NOTICE IS HEREBY GIVEN that on May 5, 2005, the Department of Health received a petition from Nancy G. Linnan, Esq., representing Infiltrator Systems Inc., requesting a variance pursuant to Section 120.542, Florida Statutes, regarding The Quick 4 Standard Chamber. Specifically, the petitioner seeks a variance from subsection 64E-6.009(7), F.A.C., which requires alternative system components to undergo innovative system testing in Florida and requires all products to be sized equivalently to gravel unless used as part of a performance-based system.

Comments on this petition should be filed with: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1734.

A copy of the petition may be obtained from: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1734.

NOTICE IS HEREBY GIVEN that on May 5, 2005, the Department of Health received a petition from Nancy G. Linnan, Esq., representing Infiltrator Systems Inc., requesting a variance pursuant to Section 120.542, Florida Statutes, regarding an alternative distribution unit. Specifically, the petitioner seeks a variance from subsection 64E-6.009(7), F.A.C., which requires alternative system components to undergo innovative system testing in Florida and requires all products to be sized equivalently to gravel unless used as part of a performance-based system.

Comments on this petition should be filed with the Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1734.

A copy of the petition may be obtained from: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1734.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on May 6, 2005, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-50.001(6), F.A.C., from Florida Low Income Associates, Inc. ("Petition"). The Petition is seeking a variance from the rule which provides that all roads in the subdivision be paved.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Library and Information Services** announces a meeting of the Library Services and Technology Act Advisory Council.

DATES AND TIMES: Thursday, June 16, 2005, 8:30 a.m. – 4:30 p.m.; Friday, June 17, 2005, 8:30 a.m. – 1:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review federal fiscal year 2005 grant applications for Library Services and Technology Act funds.

A copy of the agenda may be obtained by contacting: Judith A. Ring, State Librarian, (850)245-6604, Suncom 205-6604, TDD (850)245-6688.

Any person deciding to appeal any decision made by the Council with respect to any matter considered at this meeting will need a record of the proceedings. Such a record may be obtained by calling (850)245-6604, Suncom 205-6604, TDD (850)245-6688.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least 48 hours prior to the meeting in order to request any special assistance by calling (850)245-6604, Suncom 205-6604, TDD (850)245-6688.

The **Department of State, Division of Library and Information Services** announces its review of the Library Services and Technology Act applications.

DATE AND TIME: Thursday, June 30, 2005, 9:00 a.m. – 4:30 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review federal fiscal year 2005 grant applications for Library Services and Technology Act funds.

For additional information contact: Judith A. Ring, State Librarian, (850)245-6604, Suncom 205-6604, TDD (850)245-6688.

Any person deciding to appeal any decision made by the Council with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose, 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 special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6604, Suncom 205-6604, TDD (850)245-6688.

DEPARTMENT OF LEGAL AFFAIRS

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

NACW Committee

DATE AND TIME: May 31, 2005, 10:00 a.m.

PLACE: Call (850)414-3300 for instructions on participation

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

If you need an accommodation because of disability in order to participate, please notify FCSW 5 days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the Pesticide Registration Evaluation Committee meeting noticed for June 1, 2005, in Vol. 31, No. 18, FAW, May 6, 2005, has been cancelled and rescheduled. The new meeting date and time are:

DATE AND TIME: June 9, 2005, 9:00 a.m.

PLACE: Flag Credit Union, 3115 Conner Boulevard, Conference Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

CONTACT: Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Bldg. 6, Rm. 601, Tallahassee, Florida 32399-1650, (850)487-2130.

A copy of the meeting agenda may be obtained by contacting: Pesticide Registration Section, (850)487-2130, PREC Web Site: <http://www.flaes.org/pesticide/pesticideregistration.html>.

DEPARTMENT OF EDUCATION

The Florida **Community College System** announces a conference call for the Investment Committee of the Foundation for Florida's Community Colleges, Inc., to which all persons are invited.

DATE AND TIME: May 31, 2005, 2:00 p.m. – 3:00 p.m.

PLACE: (850)410-0968, Suncom 210-0968

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Foundation for Florida's Community Colleges, Inc., Investment Committee Members.

NOTE: If you need special services to attend the meeting or need additional information, write: Division of Community Colleges, 325 West Gaines Street, Suite 1314, Tallahassee, Florida 32399-0400.

The Florida **Community College System** announces a conference call for the Board Members of the Foundation for Florida's Community Colleges, Inc., to which all persons are invited.

DATE AND TIME: June 2, 2005, 11:00 a.m. – 12:00 Noon

PLACE: (850)414-1706, Suncom 994-1706

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Foundation for Florida's Community Colleges, Inc., Board of Directors.

NOTE: If you need special services to attend the meeting or need additional information, write: Division of Community Colleges, 325 West Gaines Street, Suite 1314, Tallahassee, Florida 32399-0400.

The Florida **Education Foundation** announces the Quarterly Meeting of the Board of Directors and Committees

DATE AND TIME: May 23, 2005, 10:30 a.m. – 2:30 p.m. or upon adjournment

PLACE: 1617 S. E. 17th Street, Fort Lauderdale, FL 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a quarterly meeting of the board. Consideration of foundation business including but not limited to: Committee reports; pending accounts payable, possible committee proposals for funding and matters pertaining to general administration of the foundation; executive director's report and approval of minutes from March 1, 2005, board meeting.

This meeting is open to the public. 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 2 days in advance, so that their needs can be accommodated.

DEPARTMENT OF COMMUNITY AFFAIRS

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting of the Cost Recovery Workgroup to which all persons are invited.

DATE AND TIME: June 2, 2005, 2:00 p.m.

PLACE: Department of Community Affairs, 2555 Shumard Oak Boulevard, Directors Conference Room 120L, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the ongoing work of the Cost Recovery Workgroup relating to cost recovery for hazardous materials incidents.

For those interested in participating, please contact: Bobbe Pound, (850)922-1696.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should also contact Bobbe Pound, (850)922-1696, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

Additional information may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Attention: Leslie Anderson-Adams, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-0410.

DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend.

DATE AND TIME: June 14, 2005, 1:00 p.m. – Open

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the probable cause case agenda can be obtained by calling: Brenda Presnell, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Professional Compliance Section, P. O. Box 1489, Tallahassee, Florida 32302, (850)410-8648.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 2 weeks prior to the meeting.

DEPARTMENT OF TRANSPORTATION

The **Florida Highway Beautification Council** (FHBC) announces a meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 7, 2005, 9:00 a.m. – 3:00 p.m.

PLACE: Maitland City Hall Council Chambers, 1776 Independence Lane, Maitland, Florida 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to conduct general business.

For information please contact: Mr. Jeff Caster, State Transportation Landscape Architect, Florida Department of Transportation, 605 Suwannee Street, MS #37, Tallahassee, Florida 32399-0450, (850)414-5267, e-mail: jeff.caster@dot.state.fl.us.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Jeff Caster, (850)414-5267, prior to the meeting.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLE

The Florida **Department of Highway Safety and Motor Vehicles** announces a meeting of the Florida at Risk Driver Council to which interested persons are invited.

DATE AND TIME: Tuesday, June 14, 2005, 1:00 p.m. – 5:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Tallahassee, Florida

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

To obtain a copy of the agenda, please contact: Selma Sauls, 2900 Apalachee Parkway, MS 80, Tallahassee, Florida 32399-0570, (850)487-0867, e-mail: Sauls.selma@hsmv.state.fl.us

Pursuant to the provisions for 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: Selma Sauls, (850)487-0867. If you are hearing or speech impaired, please contact the department by calling (850)487-0867.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the Florida Hurricane Catastrophe Fund, which is administered by the **State Board of Administration**, of a meeting of the State Board of Administration to which all persons are invited.

DATE AND TIME: June 1, 2005, 9:00 a.m. – conclusion of the meeting (EDT)

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide permission for the Florida Hurricane Catastrophe Fund ("Fund") to file Rule 19-8.028, F.A.C., Reimbursement Premium Formula, for adoption. In addition, other general business of the Fund will be addressed.

Anyone wishing a copy of the Rule or incorporated forms should contact: Patti Elsbernd, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1346.

The Investment Committee of the **Florida Prepaid College Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Wednesday, June 8, 2005, 9:30 a.m. or soon thereafter

PLACE: The Hampton Inn & Suites, Seminole Room, 3388 Lonnbladh Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The **Florida Prepaid College Program Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Wednesday, June 8, 2005, 11:00 a.m. or soon thereafter

PLACE: The Hampton Inn & Suites, Seminole Room, 3388 Lonnbladh Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Board to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd, Suite 210, Tallahassee, Florida 32308, (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida **Public Service Commission** will conduct a workshop in Docket No. 000121A-TP to which all interested persons are invited to participate.

DATE AND TIME: June 8, 2005, 10:00 a.m. (EST)

PLACE: Room 140, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL, The telephonic bridge number is (850)410-0966, Suncom 210-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss results of the Liberty Consulting Group audit of BellSouth's Florida SEEM Plan.

A copy of the audit report is available through the Division of the Commission Clerk and Administrative Services, (850)413-6770. 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 workshop. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

For additional information, please contact: Adam Teitzman, Office of the General Counsel, at the above address or telephone (850)413-6199.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, is pleased to announce that Commissioners will be participating in the AmeriCorps grant peer review process to which all persons are invited.

DATE AND TIME: Tuesday, May 24, 2005, 8:30 a.m. – 3:30 p.m.

PLACE: The Elliot Building, 401 South Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: AmeriCorps Grant peer review.

Please contact Gwen Erwin, (850)921-5172, for more information.

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

The **Florida Sports Foundation** announces its quarterly Board of Directors meeting to which all persons are invited.

DATE AND TIME: Friday, June 17, 2005, 9:00 a.m. – 4:00 p.m.

PLACE: Hyatt Regency Pier 66, 2301 S. E. 17th Street Causeway, Ft. Lauderdale, Florida 33316

Please make note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: May 26, 2005, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: May 26, 2005, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: May 26, 2005, 7:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Quality Inn and Conference Center, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meetings, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by contacting: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653, e-mail: ncfrpc@ncfrpc.org.

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

The **Northeast Florida Regional Council**, Personnel, Budget, and Finance Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, June 2, 2005, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget, and finance policy matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, June 2, 2005, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, June 2, 2005, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have 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.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Peggy Conrad, (904)279-0880, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The Region IX, **Local Emergency Planning Committee** (LEPC) announces a public meeting to which all persons are invited:

DATE AND TIME: May 26, 2005, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and implement provisions of the Emergency Planning and Community Right to Know Act.

A copy of the Agenda may be obtained by contacting: Executive Director David Y. Burr, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL 33901.

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

DATE AND TIME: Monday, June 6, 2005, 10:30 a.m.

PLACE: Miramar Town Center – City Hall, 2300 Civic Center Place, Miramar, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Any adopted Local Government

Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

REGIONAL TRANSPORTATION AUTHORITIES

Notice is hereby given that the Board of Directors for the **South Florida Regional Transportation Authority** will hold a meeting to which all interested persons are invited to participate.

DATE AND TIME: Friday, May 27, 2005, 9:30 a.m.

PLACE: Board Room, South Florida Regional Transportation, Administration Building, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Authority.

Attendance by South Florida Regional Authority Board Members may be in person or via conference telephone.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, must at least 48 hours prior to the meeting, provide a written request directed to: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064, (954)942-7245; if hearing impaired, 1(800)273-7545 (TTY) for assistance.

Any person who decides to appeal any decision made by the Board of Directors for the South Florida Regional Transportation Authority with respect to any matter considered at this meeting or hearing, will need a record of the proceedings, and that, 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.

If you have any questions, please do not hesitate to contact: Executive Office, (954)788-7915.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, June 2, 2005, 8:30 a.m.

PLACE: The Knott Building, Room 412, 111 St. Augustine Street, Tallahassee, FL.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. – 5:00 p.m., Monday through Friday at 3600 Maclay Blvd., S., Suite 201, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the 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 this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting: Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following PROJECTS AND LAND COMMITTEE MEETING(S) AND TOUR. All persons are invited.

DATES AND TIMES: Thursday, June 2, 2005, 6:00 p.m. – 7:30 p.m. (Projects and Land Committee public meeting forum); Friday, June 3, 2005, 8:00 a.m. – 10:00 a.m. (Projects and Land Committee business meeting followed by a tour of Northern Coastal Basin Project sites)

PLACE: Peninsula Club, 415 S. Peninsula Drive, Daytona Beach, FL 32118

DATE AND TIME: June 5, 2005, following the business meeting (A tour of District project areas in the Northern Coastal Basin Project Areas.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting forum for presentation of NCB Projects; Business meeting to consider Committee agenda items.

An agenda can be obtained by writing: St. Johns River Water Management District at P. O. Box 1429, Palatka, FL 32178-1429; Sonia Blake, Water Resources Dept., (386)312-2330.

NOTE: In the event that a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on the following Tuesday, June 7, 2005 at 8:45 a.m. at the St. Johns River Water Management District office located on Highway 100 West, 4049 Reid Street, Palatka, FL. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested parties are invited to attend:

LAKE PANASOFFKEE RESTORATION SITE VISITS

DATE AND TIME: Friday, May 27, 2005, 9:00 a.m.

PLACE: Pana Vista Lodge, 3417 C.R. 421, Lake Panasoffkee, FL

PINELLAS-ANCLOTE RIVER BASIN BOARD MEETING

DATE AND TIME: Wednesday, June 1, 2005, 9:00 a.m.

PLACE: Oldsmar City Hall, 100 State Street, Oldsmar, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including discussion of the Fiscal Year 2006 budget and adoption of proposed millage.

ALAFIA RIVER BASIN BOARD MEETING

DATE AND TIME: Thursday, June 2, 2005, 9:30 a.m.

PLACE: SWFWMD, Tampa Service Office, 7601 Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including discussion of the Fiscal Year 2006 budget and adoption of proposed millage.

NORTHWEST HILLSBOROUGH BASIN BOARD MEETING

DATE AND TIME: Thursday, June 2, 2005, 1:30 p.m.

PLACE: SWFWMD, Tampa Service Office, 7601 Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including discussion of the Fiscal Year 2006 budget and adoption of proposed millage.

GOVERNING/BASIN BOARDS PLANNING WORKSHOP

DATE AND TIME: Friday, June 3, 2005, 9:00 a.m.

PLACE: SWFWMD, Tampa Service Office, 7601 Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Forum to discuss District-wide issues relative to the four areas of responsibility: water supply, water quality, flood protection, and natural systems.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, May 23, 2005, 2:00 p.m.

PLACE: Town of Jupiter Community Center, 210 Military Trail, Jupiter, FL 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Loxahatchee River Management Coordinating Council.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6880, 210 Atlanta Avenue, Stuart, Florida 34994.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Gardenia Banks Long, Martin/St. Lucie Service Center, 210 Atlanta Avenue, Stuart, FL 34994, (772)223-2600, Ext. 3617.

NOTICE OF CANCELLATION – The South Florida Water Management District announces a public meeting to which all interested parties are invited.

DATE AND TIME: Wednesday, May 25, 2005, 10:00 a.m.

PLACE: SFWMD Headquarters, B1 Auditorium, 3301 gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Acme Basin B Acceler8 Project Issues Workshop.

A copy of the agenda may be obtained at District Website: <http://www.sfwmd.gov/gover/wrac/main.html> or by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Renee DeSantis, Staff Outreach Specialist, Department of Public Information, (561)682-6844.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, June 1, 2005, 6:00 p.m.

PLACE: City of Stuart Council Chambers, 121 S. W. Flagler Avenue, Stuart, Florida 34995

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed Martin/St. Lucie Service Center Budget Forum, the proposed budget for fiscal year 2006.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6880, 210 Atlanta Avenue, Stuart, Florida 34994.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Gardenia Banks Long, Martin/St. Lucie Service Center, 210 Atlanta Avenue, Stuart, FL 34994, (772)223-2600, Ext. 3617.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATE AND TIME: Wednesday, June 8, 2005, 9:00 a.m. – completed

PLACE: Miami Dade Expressway Authority Chambers, 3790 N. W. 21st Street, Miami, Florida 33142 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2004) to discuss strategy related to litigation expenditures in South Florida Water Management District v. Tillie Roskowski, et al., in and for the twentieth Judicial Circuit Court, Lee County, Florida. Case No's.: 01-2371-CA JBR, 01-3220-CA JBR, 01-5524-CA JBR, 01-8452-CA JBR, Tract No's.: 003-442, 003-574, 003-452, 003-577, 003-462, 003-640, 003-418, 003-662, 003-564, 003-611, 003-565, 003-605; South Florida Water Management District v. Camille Synder, et al., in and for the twentieth Judicial Circuit Court, Lee County, Florida. Case No.: 04-CA-1334, Tract No's.: 003-206, 003-539, 003-553, 003-554, 003-576, 003-586, 003-587, 003-590, 003-677, 003-701, 003-712, 003-709, 003-711, 003-786, 003-774, 003-777, 003-785, 003-778, 003-736, 003-720; South Florida Water Management District v. Martin W. Snow, et al., in and for the twentieth Judicial Circuit Court, Lee County, Florida. Case No.: 03-1771 CA JHS, Tract No's.: 003-702, 003-705, 003-706, 003-717, 003-724, 003-767, 003-771, 003-780,

005-204, 005-207, 005-238, 005-245, 005-247, 005-254, 005-261, 005-277, 005-278; South Florida Water Management District v. Kennard W. Brown, Jr., et al., in and for the twentieth Judicial Circuit Court, Lee County, Florida. Case No.: 01-CA-8452 WCM, Tract No's.: 003-605, 003-640; South Florida Water Management District v. Richard H. Capen, Jr., et al., in and for the twentieth Judicial Circuit Court, Lee County, Florida. Case No.: 04-CA-1657, Tract No's.: 003-782, 003-783; South Florida Water Management District v. Estate of Faith Kavanaugh Stalnaker, et al., in and for the twentieth Judicial Circuit Court, Lee County, Florida. Case No.: 01-5524 CA JBR, Tract No's.: 003-203, 003-512, 003-205, 003-207, 003-520, 003-529, 003-541, 003-564, 003-565, 003-573, 003-574, 003-577; South Florida Water Management District v. Charles L. Trone et al., in and for the twentieth Judicial Circuit Court, Lee County, Florida. Case No.: NO. 01-3220 CA JBR, Tract No.: 003-418.

The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members: K. McCarty, I. Bague, P. Brooks-Thomas, A. Carlson, M. Collins, N. Gutiérrez, Jr., L. Lindahl, H. Thornton, M. Wade, Jr; Executive Director C. Wehle; General Counsel S. Wood; District attorneys S. Glazier, R. Panse, E. Artau and E. Carol.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at District Website "<http://www.sfwmd.gov/agenda.html>" or by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Those who want more information, please contact: Deputy District Clerk, Office of District Clerk, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115, West Palm Beach, FL 33406, (561)682-6447.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: June 23, 2005, 8:00 a.m. – 5:00 p.m.

PLACE: The Palm Beach County Convention Center, 650 Okeechobee Blvd., West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Acceler8 Construction Symposium and Exhibition.

A copy of the agenda may be obtained at District Website (<http://www.sfwmd.gov/agenda.html>) or by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary

for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Frank Ferrano, Acceler8, District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-2792.

COMMISSION FOR TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces an Ombudsman Committee Meeting to which all persons are invited.

DATE AND TIME: Thursday, May 26, 2005, 3:00 p.m. – completion

PLACE: Conference Call Number (850)487-8540, Suncom 277-8540; 2740 Centerview Drive, Suite 1-A, Rhyne Building, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address regular Committee business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Niki Branch, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting/public forum of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: Wednesday, June 1, 2005, 9:00 a.m.

PLACE: Room 412, Knott Building, 111 St. Augustine Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at www.fdhc.state.fl.us/dhit/index.shtml seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Friday, June 17, 2005, 9:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive Building #3, First Floor Conference Rooms, Tallahassee, FL 32308

PLEASE NOTE THAT THE MEETING SCHEDULED FOR MAY 20, 2005, ORIGINALLY PUBLISHED ON MAY 13, 2005, HAS BEEN CANCELLED. THE MAY 20, 2005 SCHEDULED AGENDA ITEMS WILL BE INCORPORATED INTO THE AGENDA FOR THE JUNE 17, 2005 MEETING. WE APOLOGIZE FOR ANY INCONVENIENCE THIS RESCHEDULING HAS CAUSED. GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the collection, analysis and dissemination of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Helen Sancho, (850)922-5572, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Lisa Eaton, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at <http://www.fdhc.state.fl.us/SCHS/chismetings.shtml> seven (7) days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meeting to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: June 1, 2005, 10:00 a.m. (Eastern Time)

PLACE: Access Phone: (850)414-5775, Suncom 994-5775, Toll Free 1(888)461-8118 (outside of Tallahassee, FL)

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 Architecture and Interior Design** announces the following meetings, to which all persons are invited to attend.

DATE AND TIME: June 3, 2005, 12:00 Noon

PLACE: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, Florida 32308-4893

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting, portions may be closed to the public.

The following cases are open to the public:

Robert K. Balch, Case Number 2004-047612

Robert L. Carelli, Case Number 2004-057911

Carlos DaCosta, Case Number 2004-044148 and 2004-059435

William Davenport, Case Number 2004-048815

Jeanette Dean, Case Number 2005-005996

Brian P. Fredley, BPF Design Incorporated, Case Number 2005-002422

Galloway's Clements & Associates, Theresa M. Clements Case Number 2004-059736

Guillermo Gonzalez, Case Number 2001-7332

James O. Kemp, Kemp Associates Architects & Planners, Case Number 2005-002832

Kenneth Lang, Sr., and KJL, RDC, Inc., Case Number 2005-007436

Timothy Maloney, Timothy Maloney Interior Design, Inc. Case Number 2004-028205

Rodney S. Mickley, Case Number 2004-057253

Orb Engineering, Case Number 2005-002129

Perfect Piece, Case Number 2005-003425

Christine Seoane, Case Number 2004-037290

Treasure Coast Drafting, Case Number 2004-051653

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, FL 32308-4893.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Smith, Thompson, Shaw & Manausa, P.A., (850)402-1570,

at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Auctioneers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: Thursday, June 9, 2005, 1:00 p.m. (EST)

PLACE: Holiday Inn – Riverfront Kennedy Space Center, 4951 South Washington Avenue (US-1), Titusville, FL 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by writing: The Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)922-5012.

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.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: May 24, 2005, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The Probable Cause Panel of the **Building Code Administrators and Inspectors Board** announces a meeting.

DATE AND TIME: June 3, 2005, 11:30 a.m. or soon thereafter
PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Brian Higgins, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Board of Accountancy** announces the following public meetings to which all person are invited:

DATES AND TIME: Thursday, June 9, 2005, 9:00 a.m. – Probable Cause Panel; Friday, June 10, 2005, 9:00 a.m. – Meeting of the Board

PLACE: Hilton Tampa Airport, 2225 Lois Avenue, Tampa, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: The probable cause panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public. However, there may be cases where probable cause was previously found which are to be reconsidered, and may be open to the public. The Board will meet to consider enforcement proceedings including consideration of investigating officer's reports and other general business.

A copy of any probable cause materials which are open to the public, along with the board agenda's may be obtained by writing: John W. Johnson, Division Director, Division of Certified Public Accounting, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607.

Note: Portions of the Probable Cause Panel meeting may be closed to the public.

If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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 meeting by contacting:

John W. Johnson, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The Florida **Real Estate Appraisal Board** (FREAB) announces a meeting to which all persons are invited.

DATES AND TIMES: Monday, June 6, 2005, 9:00 a.m. or the soonest thereafter; reconvening Tuesday, June 7, 2005, 8:30 a.m. or the soonest thereafter

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, disciplinary actions and general subject matter.

If a person decides to appeal a decision made by the Board, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Ashley Dashnaw, Regulatory Specialist III, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, June 8, 2005, 9:30 a.m., or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida; Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The **Board of Clinical Laboratory Personnel** will hold a duly noticed Rules Workshop, to which all persons are invited to attend.

DATE AND TIME: Thursday, June 2, 2005, 1:00 p.m.

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316 (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Rule Chapter 64B3, Florida Administrative Code.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Clinical Laboratory Personnel, Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, website: www.doh.state.fl.us/mqa/ClinLab/clp_home.html.

The **Board of Clinical Laboratory Personnel** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, June 3, 2005, 9:00 a.m.

PLACE: Embassy Suite Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, website: www.doh.state.fl.us/mqa/ClinLab/clp_home.html.

The Florida **Board of Medicine**, Quality Assurance Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, June 4, 2005 immediately following the June Board of Medicine Meeting (or soon thereafter)

PLACE: Hyatt Regency Orlando Airport, 9300 Airport Blvd., Orlando, FL 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

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 Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: May 27, 2005, 2:00 p.m.

PLACE: Meet Me Number – (850)413-9245, Suncom 293-9245, Toll Free Number 1(877)651-3473

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD), 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Dietetics-Nutrition/Electrolysis Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, June 3, 2005, immediately following the Board Meeting

PLACE: Hyatt Regency Orlando Airport, 9300 Airport Blvd., Orlando, FL 32827, (407)825-1234

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 Pharmacy** hereby gives notice of an additional public hearing on Rule 64B16-27.830, F.A.C., Standards of Practice – Drug Therapy Management, to which all interested persons are invited to participate.

DATE AND TIME: June 14, 2005, 1:00 p.m. or shortly thereafter

PLACE: Suites at Mainsail Village, 5108 Eisenhower Boulevard, Tampa, FL 33634, (813)243-2600

A Notice of Proposed Rulemaking was published in Vol. 31, No. 17, of the April 29, 2005 Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lucy Gee, Acting Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health**, Florida Alliance for Diabetes Prevention and Care, COMMUNITY PARTNERSHIPS WORKGROUP: Diabetes Prevention and Control Program will hold a workgroup meeting via conference call to which all interested persons are invited to participate.

DATE AND TIME: Thursday, May 26, 2005, 12:00 Noon – 1:00 p.m.

PLACE: Toll Free No. provided by moderator

If you would like to join the conference call, have questions, or require additional information, please contact: M. R. Street, (850)245-4330.

All requests for special accommodations must be received by Tuesday, May 24, 2005, 5:00 p.m. Eastern Time.

The **Department of Health**, Florida Alliance for Diabetes Prevention and Care – EDUCATION WORKGROUP: Diabetes Prevention and Control Program will hold a workgroup meeting via conference call to which all interested persons are invited to participate.

DATE AND TIME: Friday, May 27, 2005, 12:00 Noon – 1:00 p.m.

PLACE: Toll Free No. provided by moderator

If you would like to join the conference call, have questions, or require additional information, please contact: M. R. Street, (850)245-4330.

All requests for special accommodations must be received by Tuesday, May 24, 2005, 5:00 p.m. Eastern Time.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Council on Homelessness** announces a meeting of the full Council to which all interested persons are invited to participate.

DATE AND TIME: June 6, 2005, 9:00 a.m. – 3:00 p.m.

PLACE: Workforce Florida Inc., 1974 Commonwealth Lane, Tallahassee, FL, Call Number (850)414-6477, Suncom 994-6477

A copy of the agenda may be obtained by contacting: Thomas Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, (850)922-9850, e-mail: tom_pierce@def.state.fl.us.

Pursuant to Chapter 286.26, Florida Statutes, any disabled person wishing to access this meeting, who may be in need of special assistance, should contact the Office on Homelessness, (850)922-4691, at least 48 hours in advance of the meeting.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend:

DATE AND TIME: Friday, May 27, 2005, 10:30 a.m. (EST)

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 #2005-01 for Cash Flow Verification Agent services.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, at 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 Florida **Fish and Wildlife Conservation Commission** announces a meeting of the Florida Wildlife Magazine Advisory Council, to which all interested persons are invited.

DATE AND TIME: June 6, 2005, 1:00 p.m.

PLACE: College Park Executive Center, 734 Rugby Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the resumption of publication, its progress thus far and additional business concerning Florida Wildlife Magazine.

A copy of the proposed agenda may be obtained from: Florida Fish and Wildlife Conservation Commission, Office of Community Relations, Kelly Broderick, Marathon Building, Suite 101, 2574 Seagate Drive, Tallahassee, FL 32301, (850)410-4944.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

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

The Florida **Fish and Wildlife Conservation Commission** has scheduled a public meeting to which all interested persons are invited to participate.

DATES AND TIME: June 15-17, 2005, 8:30 a.m. each day

PLACE: Hilton Daytona Beach Ocean Walk Village, 100 North Atlantic Avenue, Daytona Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

A copy of the proposed agenda may be obtained from: Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

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

LEGAL AUTHORITY: Article IV, Section 9, Florida Constitution.

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, May 27, 2005, 9:30 a.m.; Saturday, May 28, 2005, 9:00 a.m.

PLACE: J. W. Marriott Hotel, 3300 Lenox Road, Atlanta, GA, (404)262-3344

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.

PRIDE ENTERPRISES

PRIDE Enterprises, BOD announces a conference call to which all interested persons are invited to attend.

DATE AND TIME: May 25, 2005, 10:00 a.m. – 11:30 a.m.

PLACE: Call toll free 1(888)822-3280, code 090977#

www.peol.com

FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION

The **Florida Local Government Finance Commission** announces a public meeting to which all interested persons are invited.

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

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Commission relating to its statewide pooled commercial paper program.

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meetings:

MEETING: Bylaws Taskforce

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

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Personnel Taskforce

DATE AND TIME: Tuesday, July 5, 2005, 2:00 p.m.

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Planning Committee Meeting

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

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Evaluation Committee Meeting

DATE AND TIME: Wednesday, July 6, 2005, 3:00 p.m.

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Executive Committee Meeting

DATE AND TIME: Friday, July 8, 2005, 1:30 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, July 13, 2005, 10:30 a.m.

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Advocacy Committee Meeting

DATE AND TIME: Thursday, July 21, 2005, 2:00 p.m.

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Development Committee Meeting

DATE AND TIME: Tuesday, July 26, 2005, 2:00 p.m.

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Bylaws Taskforce Meeting
 DATE AND TIME: Tuesday, August 2, 2005, 1:00 p.m.
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Personnel Taskforce Meeting
 DATE AND TIME: Tuesday, August 2, 2005, 2:00 p.m.
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Planning Committee Meeting
 DATE AND TIME: Wednesday, August 3, 2005, 2:00 p.m.
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Evaluation Committee Meeting
 DATE AND TIME: Wednesday, August 3, 2005, 3:00 p.m.
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Finance Committee Meeting
 DATE AND TIME: Wednesday, August 10, 2005, 10:30 a.m.
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Executive Committee Meeting
 DATE AND TIME: Friday, August 12, 2005, 1:30 p.m.
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Point Persons for the Grassroots Forum
 DATE AND TIME: Wednesday, August 17, 2005, 10:00 a.m.
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Advocacy Committee Meeting
 DATE AND TIME: Thursday, August 18, 2005, 2:00 p.m.
 PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
 MEETING: Development Committee Meeting
 DATE AND TIME: Tuesday, August 23, 2005, 2:00 p.m.
 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, 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)

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office**, Board of Governors’ announces a public meeting to which all interested parties are invited:

BOARD OF GOVERNORS’ QUARTERLY MEETING

DATE AND TIME: Wednesday, July 27, 2005, 1:00 p.m.

PLACE: The Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Matters.

A copy of the agenda may be obtained by sending a faxed request to: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting at (850)224-7676, Ext. 301.

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 March 7, 2005, from W.W. Schaefer Engineering and Consulting P.A., regarding the Florida Building Code, Building Volume, (2003, as amended 6/30/03) s. 1609.4 and the use of the wind duration increase when completing structural analysis for the evaluation of an aluminum clad wood casement window.

It has been assigned the number DCA05-DEC-054. 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 April 7, 2005, from Interplan LLC regarding the applicability of the vertical accessibility requirements of Section 553.509, Fla. Stat., and ss. 11-4.1.3(5) and 11-4.1.6(1)(f), Florida Building Code, Building Volume, (as amended in June, 2003) to a second story used solely for storage of animal food and proops for shows.

It has been assigned the number DCA05-DEC-072. 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 April 7, 2005, from W. W. Schaefer Engineering & Consulting, P.A. regarding the testing of clipped end structural tube impact mullions and the use of said test report for reference by an evaluating engineer pursuant to Chapter 9B-72, Fla. Admin. Code.

It has been assigned the number DCA05-DEC-073. 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 April 7, 2005, from Allied Building Products, regarding the applicability of Chapter 9B-72, F.A.C., to a flooring substrate product.

It has been assigned the number DCA05-DEC-074. 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 April 8, 2005, from Florida Extruders International, Inc. regarding the applicable version of standard ASTM E1300 pursuant to the Florida Building Code, Building Volume and Residential Volume (2004).

It has been assigned the number DCA05-DEC-075. 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 April 8, 2005, from Florida Extruders International, Inc. regarding the use of rational analysis for mullion evaluation and comparative analysis for windows and doors smaller than those tested pursuant to Chapter 9B-72, Fla. Admin. Code.

It has been assigned the number DCA05-DEC-076. 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 April 18, 2005, from S and P Architectural Products, Inc. regarding the use of the directionality factor recognized in ASCE 7-98 for design of windows and doors pursuant to Chapter 16 of the Florida Building Code, Building Volume (2004).

It has been assigned the number DCA05-DEC-079. 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 has issued a Declaratory Statement in response to a request received from ASHLEY AVENUE ASSOCIATES, LLC, which was received on November 16, 2004, and was subsequently amended on December 23, 2004.

It was assigned the number DCA04-DEC-233.

The Commission determined that in a multi-tenant office building, when a tenant permits and performs an alteration limited to the tenant space, the Petitioner is not obligated to provide accessibility in the common area. The path-of-travel obligation triggered by the alteration is limited to those areas within the tenant's leased space.

A copy of the Declaratory Statement may be obtained by writing: Paula P. Ford, Commission Clerk, Florida Building Commission, 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 Optometry hereby gives notice that it has issued a Final Order on the Petition for Declaratory Statement filed by William K. Ramsay, O.D.. The Notice of Petition for Declaratory Statement was published in Vol. 31, No. 8, of the February 25, 2005, Florida Administrative Weekly. The Board of Optometry considered the Petition at its meeting held on April 6, 2005, in Fort Lauderdale, Florida. The Board's Final Order, filed on May 4, 2005, dismissed the Petition for Declaratory Statement.

A copy of the Board's Order may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258.

The Board of Optometry hereby gives notice that it has issued a Final Order on the Petition for Declaratory Statement filed by Victoria V. Haines, O.D. The Notice of Petition for Declaratory Statement was published in Vol. 31, No. 2, of the January 14,

2005, Florida Administrative Weekly. The Board of Optometry considered the Petition at its meeting held on April 6, 2005, in Fort Lauderdale, Florida. The Board's Final Order, filed on May 4, 2005, finds that under the specific facts of the petition, the provisions described violate Section 463.014, F.S. and subsections 64B13-3.008(2),(3),(5),(9),(10) and (15), F.A.C., by permitting a corporation to exercise control over various aspects of Petitioner's practice of optometry.

A copy of the Board's Order may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed April 15, 2005, by the Clearwater Gas System. The Petition is seeking the Department's interpretation of subdivision 13.7.2 of the 2000 and 2004 of the Florida Editions of NFPA 101, adopted in Rule Chapter 69A-60, Florida Administrative Code, and comprising part of the Florida Fire Prevention Code. The specific questions are:

- A. Petitioner seeks an interpretation of the Florida Fire Prevention Code, ("Code") NFPA 101, Chapter 13, Existing Assembly Occupancies, Section 13.7.2, Open Flame Devices and Pyrotechnics. Specifically, Petitioner requests clarification of whether the Section 13.7.2 language "in an assembly occupancy" is intended to apply to an outside deck adjoining a building, which meets the definition of "Outdoor Area" under NFPA 1, Uniform Fire Code?
- B. If the answer to question #1 is yes, and an outdoor deck adjoining a building is defined as being "in an assembly occupancy" under 13.7.2, is it reasonable for a local fire marshal, as "authority having jurisdiction," to deny an application for a permit to install appliances, when the engineering standards and specifications of the installation meet the installation parameters under the National Fuel Gas Code, Table 9.16.2.2, Clearances for Unlisted Outdoor Open-Flame Illuminating Appliances, to which NFPA 101, 9.1.1 refers for installation parameters and when NFPA 101-13.7.2, exception 6 allows such an installation?

A copy of the Petition for Declaratory Statement may be obtained by writing: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, Fax (850)922-1235, e-mail: Gabe.Mazzeo@fldfs.com; calling: Kimberly Riordan, (850)413-3170.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS

The University of West Florida Board of Trustees announce that professional services for minor projects are required in the following disciplines at The University of West Florida in Pensacola, Florida:

- Campus Service Architects
- Campus Service Civil and Surveying Engineer
- Campus Service Mechanical and Electrical Engineer

Two firms will be selected for each of these disciplines. Minor projects are specific projects for renovations, alterations and additions that have a basic construction budget estimated to be \$500,000, or less, or studies for which the fee for professional services is \$50,000 or less. Campus Service

Contracts for minor projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1-June 30.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Trustees "Professional Qualifications Supplement".
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An Applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered with the Florida Department of State to operate in Florida.

Submit 6 copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application information will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.017, 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 \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive project information, and selection criteria may be obtained by contacting:

David C. Luttrell, Director
Architectural and Engineering Services
Office of Architectural and Engineering Services
University of West Florida
11000 University Parkway
Pensacola, Florida 32514
(850)474-2938

Submittals must be received in the Office of Architectural and Engineering Services, Building 90, The University of West Florida, by 4:30 p.m., on June 10, 2005.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of West Florida Board of Trustees announce that professional services for minor environmental projects are required in the following discipline Campus Service Environmental Engineer at The University of West Florida in Pensacola, Florida.

Minor environmental projects are specific projects for studies and removal and disposal of hazardous waste which may include asbestos, lead, radon, indoor air quality investigation and other substance specific monitoring for which the construction estimated budget is \$500,000, or less, or studies for which the fee for professional services is \$50,000 or less. Campus Service Contracts for minor projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1-June 30.

Firms desiring to provide professional services shall apply by letter and by submitting the Professional Qualifications Supplement. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Trustees "Professional Qualifications Supplement".
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An Applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered with the Florida Department of State to operate in Florida.

Submit 6 copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application information will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.017, 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 \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive project information, and selection criteria may be obtained by contacting:

David C. Luttrell, Director
Architectural and Engineering Services
Office of Architectural and Engineering Services
University of West Florida
11000 University Parkway
Pensacola, Florida 32514
(850)474-2177

Submittals must be received in the Office of Environmental Health and Safety, Building 90, The University of West Florida, by 4:30 p.m., on June 10, 2005.

Call for Bids

The Florida School for the Deaf and the Blind (FSDB) will receive bids from qualified sound system installers for the installation of:

Sound, Hearing Impaired, and Language Translation Systems
At

Kirk Memorial Hall Auditorium

PROJECT DESCRIPTION: The work to be completed under this contract generally includes, but is not limited to, the following:

SCOPE OF WORK: Furnish and install new Sound, Hearing Impaired, and Language Translation Systems and related electrical work in the Auditorium at Kirk Memorial Hall.

The work shall be performed by a sound system installer who is franchised by the manufacturer of the power amplifiers and central loudspeaker system components to be used in these systems.

Bids will be accepted through the use of a two phase procurement process. In this procedure offerers will be required to submit a qualification package to present evidence of proper credentials indicating ability to successfully complete the project with workmanship acceptable to FSDB as required in the specifications. Upon evaluation of the submitted qualification packages, an addendum will be issued to indicate which offerers may submit a bid for the project. Failure to submit an acceptable qualification package will preclude Bidder from submitting a bid.

QUALIFICATION PACKAGES: Qualification packages containing qualification submittal requirements may be picked up Monday through Friday from 7:00 a.m. until 4:00 p.m. at the Purchasing Office, Building #28, Stores and Receiving, FSDB, 207 North San Marco Avenue, St. Augustine, FL 32084 beginning on Monday, May 23, 2005.

CONSTRUCTION DOCUMENTS: Bid packages containing Summary of Work, Specifications and Plans may be picked up Monday through Friday from 7:00 a.m. until 4:00 p.m. at the Purchasing Office, Building #28, Stores and Receiving beginning on Monday, May 23, 2005.

MANDATORY PRE-BID CONFERENCE: Bidders wishing to submit a bid shall attend a mandatory pre-bid conference on Tuesday, May 31, 2005 at 10:00 a.m. in the Facilities Conference Room, Building #27, Hogel Maintenance, FSDB. Failure to attend will preclude Bidder from submitting a bid. Subcontractors are welcome to attend, but their attendance is not mandatory.

DATE, TIME AND PLACE FOR RECEIVING QUALIFICATION SUBMITTALS: Monday, June 6, 2005 at 2:00 p.m. in the Purchasing Conference Room, Building #28/Stores and Receiving, FSDB, 207 North San Marco Ave., St. Augustine, FL 32084. Submittals shall be sealed in an envelope and marked as follows:

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA HOUSING FINANCE CORPORATION

Request for Qualifications 2005-02
For Investment Banking Services

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide Investment Banking services to submit proposals for consideration. Written, sealed proposals shall be accepted until 2:00 p.m., Eastern Time, Wednesday, June 22, 2005, to the attention of Robin Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Robin Grantham, (850)488-4197, e-mail: robin.grantham@floridahousing.org.

To obtain a copy of the Request for Qualifications, which outlines selection criteria and offeror’s responsibilities, please submit your request to the attention of Robin Grantham, or download the Request for Qualifications from the Florida Housing Finance Corporation website:

<http://www.floridahousing.org/Home/BusinessLegal/CurrentSolicitations/RequestForQualifications.htm>.

Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

**ANNOUNCEMENT OF INTENT
TO CONTRACT FOR ARCHITECTURAL AND
ENGINEERING PROFESSIONAL SERVICES**

for
Alterations and Additions to
The Critical Care Tower
for the

SARASOTA COUNTY PUBLIC HOSPITAL BOARD

The Sarasota County Public Hospital Board of Sarasota County, Florida is accepting statements of qualifications from Architectural/Engineering Consulting Firms under the provisions of the Consultants’ Competitive Negotiation Act, Section 287.055, Florida Statutes. The scope of work may include programming, schematic design, design development, construction documents, and construction administration for architectural, mechanical, electrical, structural and site design

work for construction of approximately 431,000 sq. ft to include a five story alteration and a new five story vertical addition to the existing Critical Care Tower. The project will expand the Emergency Department, Surgery, Lab, mechanical interstitial space, and provide new space for Women and Children Services.

Firms qualified to submit include Architectural/Engineering firms or an association of firms under the direction of the Architect. Services required may include architectural, mechanical, electrical, structural, landscape and civil design and engineering. Firms interested in being considered as candidates are required to submit five bound submittals of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Florida Professional and Corporate Registration certificates.
2. Completed GSA Standard Forms 254 and 255.
3. Proof of General and Professional Liability Insurability.
4. A separate statement as to whether the firm is a certified Small and/or Minority Business Enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985.
5. Examples of related projects.
6. Any additional information to be included at the discretion of the submitting firm.

Comments:

1. The Hospital reserves the right to reject any or all submittals. No fewer than three qualified firms will be short listed. These candidates may be asked to make final presentations to the selection committee.
2. Considerations in the selection of candidates include: the firm’s recent related design experience, location and ability to respond rapidly, and qualifications of personnel.
3. The final product of all design services shall include digital data in the form of compact disks AutoCad 2002 compatible. Including plot set up files.
4. Questions regarding submissions shall be directed to Thomas Perigo, Construction Manager (941)917-2048 or Bill Shevlin, Construction Manager (941)917-1899.
5. Submissions shall be titled “Alterations and Additions to Critical Care Tower” and shall be submitted no later than 3:30 p.m., Tuesday June 21, 2005 to:
Construction and Renovations Services
1700 South Tamiami Trail Sarasota, FL 34239-3555
Attn: Tom Perigo, Construction Manager
And
Bill Shevlin, Construction Manager

**Section XII
Miscellaneous**

DEPARTMENT OF EDUCATION

NOTICE OF ANNUAL STATE APPLICATION
UNDER PART B OF THE INDIVIDUALS
WITH DISABILITIES EDUCATION ACT AS
AMENDED IN 2004 FOR
FEDERAL FISCAL YEAR 2005

The Florida Department of Education, Bureau of Exceptional Education and Student Services, announces the availability of the Annual State Application under Part B of the Individuals with Disabilities Education Act as Amended in 2004 for Federal Fiscal Year 2005, CFDA No. 84.027A and 84.173A, for public review and comment. This application will be submitted to the United States Department of Education, Office of Special Education Programs.

The public review period begins on May 20, 2005, and ends at 5:00 p.m. on July 19, 2005, and the comment period begins on May 27, 2005, and ends at 5:00 p.m. on June 27, 2005. Comments must be submitted in writing. Persons interested in reviewing the application or providing written comments should contact: Ms. Eileen Amy, Florida Department of Education, Bureau of Exceptional Education and Student Services, 614 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399, e-mail: PAQA@fldoe.org, Fax (850)245-0953.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLID-1105-007
DATE RECEIVED: May 10, 2005
DEVELOPMENT NAME: Aventura Corporate Center
DEVELOPER/AGENT: ACC/GP Investment, LLC/
Paul D'Arelli
DEVELOPMENT TYPE: 28-24.020, F.A.C.
LOCAL GOVERNMENT: Aventura City

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLIVR-605-004
DATE RECEIVED: May 6, 2005
DEVELOPMENT NAME: Orlando Sun Resort & Spa
DEVELOPER/AGENT: Orlando Sun Resort & Spa,
LLC/ John F. Adams
DEVELOPMENT TYPE: 28-24.026, F.A.C.
LOCAL GOVERNMENT: Osceola County

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, LS MotorSports, LLC, intends to allow the establishment of Hot Ride, as a dealership for the sale of Diamo scooters, at 5227 East Colonial Drive, Orlando (Orange County), Florida 32807, on or after May 2, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Hot Ride are dealer operator: Eugeni Karlov, 5227 East Colonial Drive, Orlando, Florida 32807; principal investor(s): Eugeni Karlov, 5227 East Colonial Drive, Orlando, Florida 32807.

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: Jonathan Solo, VP of Sales, LS MotorSports, LLC, 12505 Reed Road, #145, Sugar Land, Texas 77478.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Ducati North America, Inc., intends to allow the relocation of Bikes 2 NV, Inc., d/b/a Ducati Miami, as a dealership for the sale of Ducati motorcycles, from its present location at 2000 Biscayne Boulevard, Miami, Florida 33137, to a proposed location at 2001 Northwest 167th Street, Opa Locka (Dade County), Florida 33056, on or after May 31, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Bikes 2 NV, Inc., d/b/a Ducati Miami, are dealer operator: Rolando M. Santos, 6341 Allison Road, Miami Beach, Florida, 33141; principal investor(s): Rolando M. Santos, 6341 Allison Road, Miami Beach, Florida 33141.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kristi Blanchard Dealer Development Coordinator, Ducati North America, Inc., 10443 Bandle Drive, Cupertino, California 95014.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for inpatient hospitals participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for inpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Inpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

PROPOSED RATES: Effective June 1, 2005, the proposed rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diems rates including the following adjustment in the percentages used to calculate the final total of special Medicaid payments (SMPs): Effective June 1, 2005 and ending June 30 2005, the final total of all special Medicaid payments (SMPs) will be the lower of (1) – 85.90 percent of the total Upper Payment Limit (UPL) for private hospitals and – 195.00 percent of the total Upper Payment Limit for non-state public hospitals, as defined in section VII. B, or (2) 100 percent of the difference between Medicaid payments and 100 percent of what would have been paid under Medicare payment principles. Interim payments will be adjusted to match this total. The total of all special Medicaid payments will not exceed the Upper Payment Limit as defined in section VII.B.

Effective July 1, 2005, the final total of all special Medicaid payments (SMPs) will be the lower of (1) 35 percent of the total Upper Payment Limit (UPL) for private hospitals and 80 percent of the total Upper Payment Limit for non-state public hospitals, as defined in section VII. B, or (2) 100 percent of the difference between Medicaid payments and 100 percent of what would have been paid under Medicare payment principles. Interim payments will be adjusted to match this total. The total of all special Medicaid payments will not exceed the Upper Payment Limit as defined in section VII.B.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid inpatient hospitals will be rates resulting from the revised percentages used to calculate special Medicaid payments (SMPs).

JUSTIFICATION: The justification for the proposed state plan amendment is the remaining 2004-05 upper payment limit (UPL) balance and the new 2005-06 balance.

The Agency is proposing the above adjustment in reimbursement, effective June 1, 2005. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Edwin Stephens, Agency for Health Care Administration, 2727

Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than June 17, 2005.

Copies of the proposed reimbursement plan incorporating the above changes are available from the contact person listed above.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

On May 10, 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 Gienna Theresa Mitchem, R.N., license number RN 3317712. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On May 10, 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 Tammy Reed, L.P.N., license number PN 1150401. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received the following applications.

Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., June 10, 2005):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: United Bank and Trust Company, St. Petersburg, Florida

Proposed Purchaser: First Horizon National Corporation, Memphis, Tennessee

Received: May 4, 2005

APPLICATION AND PLAN FOR THE PURCHASE OF CERTAIN ASSETS AND ASSUMPTION OF CERTAIN LIABILITIES

Acquiring Entity: Peoples Bank, 32845 U.S. Highway 19 North, Palm Harbor, Florida

Selling Entity: United Bank of The Gulf Coast, Sarasota, Florida and Bank of Alabama, Birmingham, Alabama

Received: May 9, 2005

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: Gateway Bank of Florida, 112 North Nova Road, Ormond Beach, Volusia County, Florida 32174

Correspondent: John P. Greeley, 255 South Orange Avenue, Suite 800, Orlando, Florida 32801

Received: May 9, 2005

Office of Financial Regulation has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at http://www.fldfs.com/ofr/banking/cu_expansion.htm.

Name and Address of Applicant: Flag Credit Union, 3115 Conner Boulevard, Tallahassee, Florida 32311-3813

Expansion Includes: Six geographic subdivisions and apartment complexes, one employer group and two schools with employees and students.

Received: May 5, 2005

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN May 2, 2005
 and May 6, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF EDUCATION
State Board of Education

6A-4.0021	5/4/05	5/24/05	31/11	
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Education Practices Commission

6B-5.0012	5/4/05	5/24/05	31/11	
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DEPARTMENT OF COMMUNITY AFFAIRS
Division of Community Planning

9J-2.0252	5/2/05	5/22/05	31/5	
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DEPARTMENT OF TRANSPORTATION

14-40.003	5/2/05	5/22/05	31/8	
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DEPARTMENT OF CITRUS

20-109.005	5/4/05	5/24/05	31/8	
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DEPARTMENT OF CORRECTIONS

33-601.601	5/6/05	5/26/05	31/13	
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DEPARTMENT OF THE LOTTERY

53-13.008	5/2/05	5/22/05	31/13	
53-16.004	5/2/05	5/22/05	31/13	

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Program Office

59G-4.210	5/4/05	5/24/05	31/6	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

61J1-3.002	5/2/05	5/22/05	31/13	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-302.540	5/5/05	5/25/05	31/10	
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DEPARTMENT OF HEALTH

Board of Dentistry

64B5-14.004	5/4/05	5/24/05	31/8	
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Board of Speech-Language Pathology and Audiology

64B20-6.001	5/6/05	5/26/05	31/13	
64B20-8.0045	5/6/05	5/26/05	31/13	
64B20-8.007	5/6/05	5/26/05	31/13	
64B20-9.003	5/6/05	5/26/05	31/13	

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

68A-1.004	5/6/05	5/26/05	31/10	31/18
68A-13.003	5/6/05	7/1/05	31/10	
68A-27.0012	5/6/05	5/26/05	31/10	31/18

Marine Fisheries

68B-27.017	5/6/05	9/1/05	31/10	31/17
68B-27.019	5/6/05	9/1/05	31/10	31/17
68B-45.002	5/6/05	5/26/05	31/10	31/17
68B-45.007	5/6/05	5/26/05	31/10	31/17

DEPARTMENT OF FINANCIAL SERVICES

OIR Insurance Regulation

69O-149.205	5/2/05	5/22/05	30/52	
69O-149.206	5/2/05	5/22/05	30/52	
69O-149.207	5/2/05	5/22/05	30/52	
69O-203.210	5/2/05	5/22/05	30/53	

Division of Finance

69V-40.031	5/4/05	5/24/05	31/10	
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