

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE TITLE: Material Terms in Advertisements

RULE NO.: 5J-14.001

PURPOSE AND EFFECT: The purpose and effect of this Rule 5J-14.001, F.A.C., is to define what material terms shall be required in any advertising copy for game promotion rules and regulations.

SUBJECT AREA TO BE ADDRESSED: Rule 5J-14.001, F.A.C., sets material terms for game promotion rules and regulations to be used in advertising.

SPECIFIC AUTHORITY: 849.094(8), 570.07(23) FS.

LAW IMPLEMENTED: 849.094(3) FS.

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

TIME AND DATE: 10:00 a.m., September 13, 2005

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-14.001 Material Terms in Advertisements.

For purposes of Section 849.094(3), Florida Statutes, any advertising copy shall include the following material terms in the game promotion's rules and regulations:

- (1) Name of the operator and game promotion;
(2) That no purchase is necessary to enter or play the game promotion;
(3) Start and end dates for entering the game promotion, consistent with the official full rules and regulations, including exact times if applicable;
(4) Who is eligible or not eligible to participate in the game promotion, with respect to age or geographic location;
(5) Disclosure of where the game promotion is void.

Specific Authority 849.094(8), 570.07(23) FS. Law Implemented 849.094(3) FS. History--New \_\_\_\_\_

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Course Requirements – Grades 6-12 Basic and Adult Secondary Programs

RULE NO.: 6A-1.09412

PURPOSE AND EFFECT: The purpose of this rule development is to incorporate the course descriptions of new courses into the "Course Code Directory and Instructional Personnel Assignments" for 2006-2007, as required in SBE subsection 6A-1.09441(5), F.A.C. Courses in art, social sciences, and foreign languages are added to the Course Code Directory to allow districts to receive funding. Certification areas for courses in reading have been amended to align with teacher certification requirements. Revisions to the narrative section were made to align course requirements with state law and federal regulations.

SUBJECT AREA TO BE ADDRESSED: These new courses and course descriptions direct school and 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" and ensure consistency and alignment with the Sunshine State Standards.

SPECIFIC AUTHORITY: 1011.62 FS.

LAW IMPLEMENTED: 1011.62(1)(r), 1001.03(1) 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.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Mary Jo Butler, Educational Policy Consultant, K12 Student Achievement, 325 West Gaines Street, Room 514, Tallahassee, Florida, (850)245-9939

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

RULE NO.: 6A-1.09441

PURPOSE AND EFFECT: The purpose of this rule development is to obtain approval of the "Course Code Directory and Instructional Personnel Assignments" for

2006-2007, as required in subsection 6A-1.09441(5), F.A.C. This rule provides specific conditions for which students may earn credit toward high school graduation and for which the courses are funded through the Florida Education Finance Program (FEFP). Courses in art, social sciences, and foreign language are added to the Course Code Directory to allow districts to receive funding. Certification areas for courses in reading have been amended to align with teacher certification requirements. Revisions to the narrative section were made to align course requirements with state law and federal regulations.

SUBJECT AREA TO BE ADDRESSED: Revisions to the "Course Code Directory and Instructional Personnel Assignments" were made to include new courses, align courses, teacher certification, and narrative section to recent changes in teacher certification, state laws, and federal regulations.

SPECIFIC AUTHORITY: 1011.62 FS.

LAW IMPLEMENTED: 1011.62 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.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Jo Butler, Educational Policy Consultant, K12 Student Achievement, 325 West Gaines Street, Room 514, Tallahassee, Florida, (850)245-9939

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

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Highway Traffic Safety Program	14-98
RULE TITLES:	RULE NOS.:
Application and Award Procedures	14-98.005
Forms	14-98.008

PURPOSE AND EFFECT: Subsections 14-98.005(7),(10) and 14-98.008(6), F.A.C., are amended because of a revision to the Subgrant Application for Highway Safety Funds, Form 500-065-01. Specifically, the form is revised to add a reference to the Department's DUNS Number on the bottom of the first page and to add specific language relating to the audit and retention of records (Criteria 14 and 15) of Part V.

SUBJECT AREA TO BE ADDRESSED: Subsection 14-98.008(6), F.A.C., is amended to incorporate by reference a revised version of the Subgrant Application for Highway

Safety Funds, Form 500-065-01. Specifically, the form is revised to add a reference to the Department's DUNS Number on the bottom of the first page and to add specific language relating to the audit and retention of records (Criteria 14 and 15) of Part V. Subsections 14-98.005(7) and (10), F.A.C., also are being amended to update the revision date references to the same form.

SPECIFIC AUTHORITY: 334.044(2),(25) FS.

LAW IMPLEMENTED: 334.044(25) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-98.005 Application and Award Procedures.

(1) through (6) No change.

(7) Two copies of the application form, Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. ~~09/05~~ ~~05/04~~, will be sent to those applicants whose concept papers are selected for funding. Applicants whose concept papers were not selected for funding will be notified by the Office.

(8) through (9) No change.

(10) The Office shall review all applications and will reject any applications not meeting the requirements of these rules and applicable Federal and State laws, within ten working days of receipt of said applications. In the event that an applicant submits a Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. ~~09/05~~ ~~05/04~~, for an activity that is not included in the Highway Safety Plan, the application shall be rejected. Failure to reject any application within ten days shall not result in the automatic award of a subgrant. All subgrants are subject to funds availability.

(11) No change.

Specific Authority 334.044(2) FS. Law Implemented 334.044(25) FS. History--New 12-30-84, Amended 6-10-85, Formerly 9B-32.05, 9B-32.005, Amended 11-19-89, Formerly 9G-15.005, Amended 12-7-93, 11-29-94, 1-17-99, 4-16-02, 8-6-02, 11-2-03, 8-24-04, \_\_\_\_\_.

14-98.008 Forms.

The following forms used in the Highway Traffic Safety Program are hereby incorporated by reference:

(1) through (5) No change.

(6) Subgrant Application for Highway Safety Funds – FDOT Form 500-065-01, Rev. ~~09/05~~ ~~05/04~~.

(7) through (8) No change.

Specific Authority 334.044(2),(25) FS. Law Implemented 334.044(25) FS. History—New 6-10-85, Formerly 9B-32.08, 9B-32.008, Amended 11-19-89, Formerly 9G-15.008, Amended 12-7-93, 6-14-94, 11-29-94, 4-16-02, 8-6-02, 11-2-03, 8-24-04, \_\_\_\_\_.

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

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

**PUBLIC SERVICE COMMISSION**

UNDOCKETED

RULE TITLES:	RULE NOS.:
Record of Metering Devices and Metering Device Tests	25-6.022
Accuracy Requirements and Test Procedures for Metering Devices	25-6.052
Metering Device Test Plans	25-6.056
Determination of Average Meter Registration Error	25-6.058
Meter Test by Request	25-6.059
Meter Test – Referee	25-6.060
Adjustment of Bills for Meter Error	25-6.103

PURPOSE AND EFFECT: To amend the rules to clarify the calculation of meter error used in the determination of any potential refund or backbill and reflect the most current edition of the American National Standard for Electric Meters.

SUBJECT AREA TO BE ADDRESSED: Electric meter testing.

SPECIFIC AUTHORITY: 366.05(1) FS.

LAW IMPLEMENTED: 366.03, 366.04, 366.05, 366.06 FS.

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

TIME AND DATE: 9:30 a.m., September 21, 2005

PLACE: Betty Easley Conference Center, Room 182, 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. When equipment accuracy testing is required under Rule 25-6.059, F.A.C., any record of accuracy testing for disputed equipment that is on file at the time the customer request is made under Rule 25-6.059, F.A.C., must be retained until the 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 (h) No change.

(4) Records of Periodic and Annual In-Service Meters Tests. Each utility shall maintain test records for each periodic and annual in-service test of electric meters and associated devices in such a manner that the information listed in paragraphs (4)(a) through (h) is readily available to the Commission on request. These data shall be maintained for units of metering equipment tested under approved Random Sampling Plans and for units tested under periodic testing programs, and shall be summarized on an annual basis.

(a) Type of equipment, including manufacturer, model number, and any features that which are currently used to classify the units tested into a population of units for in-service tests;

(b) through (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 Accuracy Requirements and Test Procedures for and Accuracies of Consumption Metering Devices.

(1) Definitions.

(a) “Electronic Meter.” Any meter that measures electric demand or energy and displays registration using electronic components only.

(b) “Mechanical Meter.” Any meter that measures electric demand or energy and displays registration using mechanical components rather than electronic or solid-state components.

(c) “Lagged Demand (or Thermal Demand) Meter.” Any meter that indicates demand by means of thermal or mechanical devices having an approximately exponential response.

(d) “Registration Error.” The variation in kilowatts or kilowatt-hours from the true value measured by a standard or reference device.

~~(2)(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 error of registration does not exceed plus or minus two percent ~~percentage registration is not more than 102 percent nor less than 98 percent, calculated.~~ Meter registration error shall be determined in accordance with subsection Rule 25-6.058(1), F.A.C.

~~(3)(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, ~~when tested~~ at any point between 25 percent and 100 percent of full-scale value. Meter registration error shall be determined in accordance with paragraph 25-6.058(2)(a), F.A.C.

(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, ~~when tested~~ at any point between 10 percent and 100 percent of full-scale value. Meter registration error shall be determined in accordance with paragraph 25-6.058(2)(b), F.A.C.

(c) No change.

~~(4)(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) Electronic ~~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.

~~(5)(4)~~ Test Procedures.

(a) through (b) No change.

(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) New instrument transformers shall be tested before initial installation. Instrument transformers that ~~which~~ have been removed from service shall be tested prior to reinstallation if the reason for removal, physical appearance, or record of performance gives cause to doubt its reliability.

(4) All metering equipment listed in paragraph 25-6.052~~(5)(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 that ~~which~~ are statistically sample tested by the utility under an approved Random Sampling Plan, as set forth in subsection (8); and

(b) through (5) 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 class amperage and class voltage.

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

(a) No change.

(b) In-service metering devices ~~that which~~ are not included in an approved Random Sampling Plan shall be tested periodically. The periodic testing schedule for equipment not included in an approved Random Sampling Plan must be approved by the Commission.

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

(a) Commission approved Random Sampling Plans ~~shall~~ ~~may~~ be used to accept or reject shipments of newly purchased equipment and to estimate the average accuracy of equipment in service.

(b) Random Sampling Plans published by the United States Department of Defense or by The American Society for Quality Control, or any other sampling plans ~~that which~~ have been approved by the Commission prior to the effective date of this rule need not be re-approved for the types of equipment for which they were approved.

(c) 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 Registration Error.

~~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 Registration Error for Watthour Registers.

~~(a)(1)~~ If the metering installation is used to measure a load which has practically constant characteristics, such as a street-lighting load, the meter shall be tested under similar conditions of load and the registration error accuracy of the meter “as found” shall be considered as the average meter error accuracy.

~~(b)(2)~~ If a single-phase metering installation is used on a varying load, the average registration 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 an electronic a totally 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 an electronic a totally solid state meter, and the single point is an accurate representation of the error over the load range of the meter.

(2) Average Meter Registration Error for Demand Registers.

(a) For mechanical or lagged demand meters, registration error shall be determined by testing the meter at both 40 percent and 80 percent of its full-scale value, as read on the reference or standard meter, or as near to these two points as practicable. The following two formulas shall be used to estimate the kilowatt error of the meter at 25 percent of full scale and at 100 percent of full scale:

$$E_{25} = [E_{80} - E_{40}] / [R_{80} - R_{40}] * [R_{25} - R_{40}] + E_{40}$$

$$E_{100} = [E_{80} - E_{40}] / [R_{80} - R_{40}] * [R_{100} - R_{40}] + E_{40}$$

where:

R<sub>25</sub> and R<sub>100</sub> denote the kilowatt readings on the reference meter at 25 percent and 100 percent of the full scale value of the meter being tested, respectively;

R<sub>40</sub> and R<sub>80</sub> denote the kilowatt readings on the reference meter at 40 percent and 80 percent of the full scale value of the meter being tested, respectively;

E<sub>40</sub> and E<sub>80</sub> denote the kilowatt errors on the meter being tested corresponding to R<sub>40</sub> and R<sub>80</sub>, respectively;

E<sub>25</sub> is the estimated kilowatt error corresponding to R<sub>25</sub>; and

E<sub>100</sub> is the estimated kilowatt error corresponding to R<sub>100</sub>.

The greater of these two estimated kilowatt errors, E<sub>25</sub> or E<sub>100</sub>, 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(3)(a), F.A.C.

(b) For electronic demand meters, registration error shall be determined by testing the meter at 80 percent of the manufacturer's full load rating, as read on the reference or standard meter, or as near to that point as is practicable. The percent error of registration is defined to be:

$$\text{Percent Error of Registration} = [(M_{80} - R_{80})/R_{80}] * 100$$

where:

R<sub>80</sub> is the kilowatt reading on the reference meter when the reference meter is at 80 percent of the full load rating of the metering being tested; and

M<sub>80</sub> is the corresponding kilowatt reading on the meter being tested.

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 +982). Where appropriate, the meter may be field tested. The customer shall be responsible for all the costs incurred by ~~to~~ the utility related to associated with a meter test by an independent ~~meter~~ testing facility. The utility shall provide a detailed estimate of ~~such~~ costs the utility expects to incur related to the meter test and may require payment of such costs prior to the actual meter

test. The customer shall provide to the utility a detailed estimate of charges from the independent testing facility for the meter test prior to the actual test. If the meter is found to be running fast in excess of the limits established by these rules, any payment collected by the utility related to the meter test such costs shall be refunded, but if the meter is found to be within the allowable limits established by these rules, the utility may retain any payments collected by the utility related to the meter test ~~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 \_\_\_\_\_.

25-6.103 Adjustment of Bills for Meter Error.

(1) For mechanical or lagged demand meters, the error at the customer's average billing demand over the refund period shall be used to determine the amount to refund or backbill the customer. This error shall be determined by testing the meter at both 40 percent and 80 percent of meter full scale value, as read on the standard or reference meter, or as near to these two points as is practicable. The following formula shall be used to estimate the kilowatt error of the meter at the customer's average billing demand:

$$E_{avg} = [E_{80} - E_{40}] / [M_{80} - M_{40}] * [M_{avg} - M_{40}] + E_{40}$$

where:

M<sub>avg</sub> denotes the average billing demand over the refund period;

M<sub>40</sub> and M<sub>80</sub> denote the kilowatt readings on the meter being tested when the reference meter is at 40 percent and 80 percent of the full-scale value of the meter being tested, respectively;

E<sub>40</sub> and E<sub>80</sub> denote the kilowatt errors on the meter being tested corresponding to M<sub>40</sub> and M<sub>80</sub>, respectively; and

E<sub>avg</sub> denotes the estimated kilowatt error at the customer's average billing demand.

The kilowatt error so determined, E<sub>avg</sub>, shall be expressed as a percentage of the reference meter reading corresponding to the average billing demand. This percentage shall be used to determine the corrected billing demand for each month of the refund period.

(2) For electronic meters, the percentage error to be used for refunds and backbills shall be the same percentage specified in paragraph 25-6.058(3)(b), F.A.C.

~~(3)(1) Over-registering Fast meters.~~ Whenever a meter tested is found to have an error in excess of the plus tolerance allowed in Rule 25-6.052, F.A.C., the utility shall refund to the customer the amount billed in error as determined by subsection (1) or subsection (2) of this rule ~~Rule 25-6.058, F.A.C.~~, for one half the period since the last test, said one half period shall not exceed twelve (12) months; except that if it can be shown that the error was due to some cause, the date of which can be fixed, the overcharges shall be computed back to but not beyond such date based upon available records. The refund shall not include any part of any minimum charge.

~~(4)(2) Under-registering Slow meters.~~

(a) Except as provided in subsection (4)(b) of this rule ~~by this paragraph~~, a utility may backbill in the event that a meter is found to be under-registering slow, non-registering or partially registering. A utility may not backbill for any period greater than twelve (12) months ~~from the date it notifies a customer that his or her meter is slow, non-registering or partially registering~~. If it can be ascertained that the meter was under-registering slow, non-registering or partially registering for less than twelve (12) months ~~prior to notification~~, then the utility may backbill only for the lesser period of time. In any event, the customer may extend the payments of the backbill over the same amount of time for which the utility issued the backbill. ~~Nothing in this subsection shall be construed to limit the application of Rule 25-6.104, F.A.C., or prohibit a utility from backbilling for four years pursuant to subsection (5) of this rule.~~

(b) Nothing in subsection (4)(a) of this rule shall be construed to limit the application of Rule 25-6.104, F.A.C., or prohibit a utility from backbilling for four years pursuant to subsection (6) of this rule.

~~(c)(b) Whenever a meter is tested and not subject to Rule 25-6.104 or subsection 25-6.105(5), F.A.C., and is found to have an error in excess the minus tolerance allowed by Rule 25-6.052, F.A.C., the utility may bill the customer an amount equal to the unbilled error as determined by subsection (1) or subsection (2) of this rule, ~~Rule 25-6.058, F.A.C., in accordance with this subsection. In order to determine the amount of undercharge, the recorded consumption shall be adjusted using the amount of error found by the meter to determine the correct consumption and the customer's bills in question shall be recalculated and computed to the actual bills rendered.~~ If the utility has required a deposit for a meter test as permitted under subsection (2) of Rule 25-6.059(2), F.A.C., the customer may be billed only for that portion of the unbilled error which is in excess of the deposit retained by the utility.~~

~~(d)(e) In the event of a non-registering or a meter for which the test results are inconclusive partially registering meter, unless the provisions of subsection (5)(3) of this rule~~

apply, the utility may bill the customer on an estimate based on previous bills for similar usage or on other sources of available data provided.

~~(3) It shall be understood that when a meter is found to be in error in excess of the prescribed limits, the figure to be used for calculating the amount of refund or charge in subsection (1) or paragraph (2)(b) above shall be that percentage of error as determined by the test.~~

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

Specific Authority 366.05(1) FS. Law Implemented 366.03, 366.04(1), 366.05(1),(3),(4), 366.06(1) FS. History—New 7-29-69, Amended 4-13-80, 5-3-82,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

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

PURPOSE AND EFFECT: To incorporate by reference a Notice of Environmental Resource or Surface Water Management Permit to be used for recording in the county's public records.

SUBJECT AREA TO BE ADDRESSED: Notice of Environmental Resource or Surface Water Management Permit.

SPECIFIC AUTHORITY: 120.53, 218.075, 373.044, 373.113, 373.4136, 373.416 FS.

LAW IMPLEMENTED: 120.53, 218.075, 373.113, 373.4135, 373.4136, 373.416 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.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, (561)682-2087, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anita Bain, Director, Environmental Resource Compliance Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6866 or (561)682-6866, internet: abain@sfwmd.gov; For procedural issues – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6299 or (561)682-6299, internet: jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-1.659 Forms and Instructions.

(1) The following forms and instructions are hereby incorporated by reference into this chapter:

Form No.	Date	Title			
			0444	8-95	Application for a Standard General Permit for Incidental Site Activities
			0445	8-03	Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G)
			0483	9-04	Request for Environmental Resource, Surface Water Management, Water Use or Wetland Resource Permit Transfer
			0645-W01	8-03	Water Use Permit Application (RC-1A, RC-1W, RC-1G)
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida	0645-G60	8-03	Table A Descriptions of Wells
			0645-G61-1	8-03	Table B Description of Surface Water Pumps
			0645-G61-2	8-03	Table C Description of Culverts
			0645-G65	8-03	Table D Crop Information
0113	8-95	Surface Water Management Permit No.	0645-G74	8-03	Table E Water Received From or Distributed to Other Entities
0115	8-95	Surface Water Management Permit Modification No.	0645-G69	8-03	Table F Past Water Use & Table G Projected Water Use
0119	8-95	Wetland Resource Permit No.	0645-G70	8-03	Table H Projected Water Use (For Per Capita Greater than 200 GPD)
0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District	0645-G71	8-03	Table I Water Treatment Method and Losses
			0645-G72	8-03	Table J Aquifer Storage and Recovery
0123	4-95	Well Construction Permit Application	0645-G73	8-03	Table K Water Supply System Interconnections
0124	11-90	Well Completion Report			
0145	8-95	Environmental Resource Permit No.	0779	5-92	Guidance for Preparing an Application for a "Works of the District" Permit in the Everglades/Application for a Works of the District Permit
0157	8-95	Environmental Resource Permit Modification No.			
0188-QMQ	8-03	Quarterly Report of Withdrawals			
0188-MDQ	8-03	Monthly Report of Daily Withdrawals	0830	4-94	Special Use Application and License
0188-QASR	8-03	Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells]	0881A	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification
0188-QMON	8-03	Quarterly Report of Monitoring Requirements			
0188-QMQF	8-03	Quarterly Report of Withdrawals from Wells and Surface Water Pumps	0881B	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification – For Projects Permitted Prior to October 3, 1995
0188-QCROP	8-03	Report of Planting and Harvest of Seasonal Crops			
0188-QBWDR	8-03	Quarterly Report of Bulk Water Delivered and Received	0889	9-04	Certification of Waiver of Permit Application Processing Fee
0195	6-91	Public Water Supply Well Information and Classification	0920	9-04	Request for Conversion of District Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity
0196	10-89	Water Well Inspection Scheduling Card			
0299	1-90	Water Use Permit No.			



0941	8-95	Environmental Resource Standard/Noticed General Permit No.	1024	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance
0942	8-95	Surface Water Management General Permit No.	1105	6-02	Performance Bond to Demonstrate Financial Assurance
0960	9-04	Environmental Resource/Surface Water Management Permit Construction Commencement Notice	1106	6-02	Irrevocable Letter of Credit to Demonstrate Financial Assurance
0961	9-04	Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction	1109	8-03	Water Use General Permit
			<u>1189</u>	<u>      </u>	<u>Notice of Environmental Resource or Surface Water Management Permit</u>
					(2)(a) through (g) No change.
0970	2-04	Applicant Transmittal Form for Requested Additional Information			Specific Authority 120.53, 218.075, 373.044, 373.113, 373.4136, <u>373.416</u> FS. Law Implemented 120.53, 218.075, 373.113, 373.4135, 373.4136, <u>373.416</u> FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, _____.
0971	8-95	Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit			<u>Return Recorded Document To:</u> <u>Environmental Resource Regulation</u> <u>South Florida Water Management District</u> <u>3301 Gun Club Road</u> <u>West Palm Beach, FL 33406</u>
0972	8-95	Petition for a Formal Wetland and Surface Water Determination			<u>RE: South Florida Water Management District (SFWMD)</u> <u>Environmental Resource or Surface Water Management Permit</u> <u>No. _____ (Permit)</u> <u>Notice</u> <u>Notice is hereby given that Environmental Resource or Surface</u> <u>Water Management Permit No. _____ has been issued to</u> <u>authorize the construction, modification, or operation of a</u> <u>surface water management system to serve the real-property</u> <u>described on Exhibit “A” attached hereto and made a part</u> <u>hereof (“Premises”). This property is subject to the</u> <u>requirements and restrictions set forth in Chapter 373, Florida</u> <u>Statutes and Title 40E, Florida Administrative Code.</u> <u>Within thirty (30) days of any transfer of interest or control of</u> <u>that portion of the premises containing the surface water</u> <u>management system (or any portion thereof), the permittee</u> <u>must notify the SFWMD in writing of the property transfer.</u> <u>Notification of the transfer does not by itself constitute a</u> <u>permit transfer. Therefore, purchasers of that portion of the</u> <u>premises containing the surface water management system (or</u> <u>any portion thereof) are notified that it is unlawful for any</u> <u>person to construct, alter, operate, maintain, remove or</u> <u>abandon any stormwater management system, dam,</u> <u>impoundment, reservoir, appurtenant work or works, or any</u> <u>combination thereof, including dredging or filling, without first</u> <u>having obtained an environmental resource permit from the</u> <u>SFWMD in the purchaser’s name.</u>
0973	8-95	Above Ground Impoundment Inspection/Certification Report			
0974	8-95	Notice of Intent to Construct a Minor Silvicultural System			
0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit			
1019	9-04	Mitigation Bank Performance Bond to Demonstrate Construction/Implementation Financial Assurance			
1020	9-04	Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction/Implementation Financial Assurance			
1021	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance			
1022	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance			
1023	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance			

Within thirty (30) days of the completion of construction of the surface water management system, a signed and sealed construction completion certification must be submitted to SFWMD pursuant to the requirements of Rule 40E-4.361, Florida Administrative Code.

This notice is applicable to property containing the structural surface water management facilities. For purposes of this notice only, the structural surface water management facilities are limited to lakes, canals, swales, ditches, berms, dry detention areas, water control structures, pumps, culverts, inlets, roads, and wetland mitigation areas, buffers and upland compensation areas.

Conditions

The Permit is subject to the General Conditions set forth in Rule 40E-4.381, Florida Administrative Code. The Permit also contains additional Special Conditions. Accordingly, interested parties should closely examine the entire Permit, all associated applications, and any subsequent modifications.

Conflict Between Notice And Permit

This Notice of Permit is not a complete summary of the Permit. Provisions in this Notice of Permit shall not be used in interpreting the Permit provisions. In the event of conflict between this Notice of Permit and the Permit, the Permit shall control.

This Notice Is Not An Encumbrance

This Notice is for informational purposes only. It is not intended to be a lien, encumbrance, or cloud on the title of the premises.

Release

This Notice may not be released or removed from the public records without the prior written consent of the South Florida Water Management District.

This Notice of Permit is executed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_. He/She is personally known to me or has produced \_\_\_\_\_ as identification.

(seal)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print

My Commission Expires: \_\_\_\_\_

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_

Publications, Rules and Interagency

Agreements Incorporated by Reference 40E-4.091

PURPOSE AND EFFECT: To provide an alternative noticing mechanism to property owners and streamline the processing of requests for conversion of surface water management and environmental resource permits to the operation phase; to make minor corrections to Appendix 6 of the Basis of Review for Environmental Resource Permits Within the South Florida Water Management District; and to add references to previously adopted financial assurance forms.

SUBJECT AREA TO BE ADDRESSED: Section 4.3.7.6 Financial Responsibility Mechanisms, Section 4.4.4.7 pertaining to financial assurance, Section 9.2.4 Association Requirements, and Sections 2.1.1.1 Dikes and 2.1.2.2 Design Water Depth of Appendix 6 of the Basis of Review for Environmental Resource Permit Applications Within The South Florida Water Management District.

SPECIFIC AUTHORITY: 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 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.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, (561)682-2087, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For questions regarding the alternative noticing mechanism – Anita Bain, Director, Environmental Resource Compliance Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6866 or (561)682-6866, internet: abain@sfwmd.gov; For all other questions – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6299 or (561)682-6299, internet: jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – \_\_\_\_\_ December 7, 2004".

(b) through (k) No change.

(2) No change.

Specific Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, \_\_\_\_\_.

(The following represents proposed changes to the document entitled "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – December 7, 2004" incorporated by reference in Rule 40E-4.091, F.A.C.)

4.3.7.6 Financial Responsibility Mechanisms

Financial responsibility for the mitigation, monitoring and corrective action for the project may be established by any of the following methods, at the discretion of the applicant, and in substantial conformance with the forms referenced below:

(a) Performance bond (See Form No. 1105, incorporated by reference in Rule 40E-1.659, F.A.C.);

(b) Irrevocable letter of credit (See Form No. 1106, incorporated by reference in Rule 40E-1.659, F.A.C.);

4.4.4.7 Draft documentation of financial responsibility meeting the requirements of section 4.4.10, and in substantial conformance with the Mitigation Bank Financial Assurance Form Nos. 1019 through 1024, incorporated by reference in Rule 40E-1.659, F.A.C.

9.2.4

A Notice of Environmental Resource Permit or Surface Water Management Permit shall be attached to the rules and regulations as an exhibit or recorded in the public records of the County(s) where the property is located. The environmental resource or surface water management permit and its conditions shall be attached to the rules and regulations as an exhibit. The Registered Agent for the Association shall maintain copies of all ~~other~~ permitting actions for the benefit of the association.

APPENDIX 6

ABOVE GROUND IMPOUNDMENTS

2.1.1.1 Dikes – shall be designed based on field test data of subsurface conditions and actual procedures and materials to be used in construction. Seepage and piping shall be considered and cutoff walls and toe drains included where necessary. Dimensions shall be such as to allow maintenance by normal equipment. Recommended side slopes for vegetated

earth should be no steeper than 2 1/2:1 (horizontal to vertical) for external slopes and 3:1 (horizontal to vertical) for internal slopes. Top widths should be of sufficient width to allow safe vehicular access and no less than twelve feet. Dike toes should be continually accessible by vehicle by relatively level to berms of at least ten feet width. Dikes and toe berms should be widened at strategic points for vehicular turnaround or where necessary to load stockpiled material to be used for dike repair.  
2.1.2.2 Design water depth – As determined by routing the project allowable discharge design event through the inflow and outflow structures with rainfall on the reservoir. The three day 25 year event should typically be used as a minimum.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: Content of Permit Applications  
RULE NO.: 40E-4.101

PURPOSE AND EFFECT: To expand the noticing aspect of Rule 40E-4.101, F.A.C., to require recording of a Notice of Environmental Resource or Surface Water Management Permit for standard general permits in the public records of the county where the property is located. The purpose is to provide sellers and purchasers of real property containing a surface water management system with notice that there is a standard general permit and that the permit does not run with the land and therefore must be transferred. The notice shall not operate as an encumbrance.

SUBJECT AREA TO BE ADDRESSED: Recording of a Notice of Environmental Resource or Surface Water Management Permit in the public records of the county where the property is located.

SPECIFIC AUTHORITY: 373.016, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.117, 373.413, 373.416, 373.426 FS.

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

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, (561)682-2087, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anita Bain, Director, Environmental Resource Compliance Division, South Florida Water Management District, Post Office Box 24680,

West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6866 or (561)682-6866, internet: abain@sfwmd.gov; For procedural issues: Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6299 or (561)682-6299, internet: jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.101 Content of Permit Applications.

(1) No change.

(2) The application must be signed by the owner or the owner’s authorized agent and include documentation of ownership. Applications signed by agents must contain a letter of authorization which is signed by the owner. Those having the right to exercise the power of eminent domain or having a contract to purchase real property may apply for a permit, however, the permit shall prohibit commencement of work until the permittee provides proof of ownership to the District. A permit shall only be issued to the record title holder, holder of a recorded easement conveying the right to utilize the property for a purpose consistent with the authorization requested in the permit application, those having the right to exercise the power of eminent domain or having a contract to purchase real property. A Notice of ~~Individual~~ Environmental Resource or Surface Water Management Permit Form No. 1189 shall be recorded ~~filed~~ in the public records of the county where the property is located. This notice shall not be considered an encumbrance upon the property.

(3) through (4) No change.

Specific Authority 373.016, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.117, 373.413, 373.416, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.03(2), 16K-4.07(2), 16K-4.09(2), Amended 7-1-86, 11-21-89, 4-20-94, 10-3-95, 5-28-00, 4-14-03, 8-14-03,

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Definitions RULE NO.: 59G-1.010

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the definitions, which are applicable to the Florida Medicaid program, in accordance with Sections 409.901 through 409.9201, F.S.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.901-.9201 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.

DATE AND TIME: 2:00 p.m., Monday, September 12, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Blvd., Bldg. 3, Conference Room B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kelly Bennett, Medicaid Services, 2727 Mahan Drive, Mail Stop 6, Tallahassee, Florida 32308-5407, (850)921-1802

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-1.010 Definitions.

The following definitions are applicable to all Sections of Title 59G, F.A.C., unless specifically stated otherwise in one of those Sections. These definitions do not apply to any Agency for Health Care Administration (Agency), Medicaid program rules other than those in Title 59G, F.A.C.:

(1) “Abuse” ~~is as defined in Section 409.913(1)(a), F.S., and means provider practices that are inconsistent with sound fiscal, business, or professional practices and result in an unnecessary cost to the Medicaid program, or in reimbursement for medical or allied care, goods, or services that are not medically necessary or that fail to meet professionally recognized standards for health care.~~ It includes, but is not limited to, any unintentional violation of federal or state laws, regulations, rules, policies, directives or agreements relating to the Medicaid program. ~~It also includes, or~~ misutilization, whether intentional or inadvertent, including inappropriate prescribing, dispensing, or otherwise furnishing drugs or other medical or allied care, goods, or services by a provider. It also includes recipient practices that result in unnecessary cost to the Medicaid program.

(2) “Active treatment plan” means ~~an~~ individually written plan of care or service implementation plan specific to an individual and which sets ~~setting~~ forth measurable goals or objectives stated in terms of desirable behavior and prescribing an integrated program of activities, experiences, or therapeutic interventions necessary for an individual to reach those goals or objectives. As applied to the community behavioral ~~mental~~ health program, developmentally disabled recipients in the nursing home program, and intermediate care facility for the ~~mentally retarded/~~ developmentally disabled program, an active treatment plan focuses on treatment and services to address mental illness or ~~mental retardation or other~~ developmental disabilities.

(3) through (7) No change.

(8) “Administrative sanctions” means ~~termination from the Medicaid program, suspension from the Medicaid program, a monetary fine, or any other penalty permitted by law other than a criminal penalty~~ the disincentives set forth in Sections 409.913(13), (14), (15), and (16), F.S. and Rule 59G-9.070, F.A.C.

(9) through (21) No change.

(22) “Audit” means:

(a) An examination of “records for audit” supporting amounts reported in the annual cost report or in order to determine the correctness and propriety of the report; or

(b) An analysis of documentation prepared in accordance with Medicaid policy and procedures ~~“records for audit”~~ supporting a provider’s claim activity for a recipient’s goods or services during a set period of time year or less of claims activity in order to determine whether Medicaid payments are or were due and the amounts thereof, ~~with claim activity for each separate year constituting a separate audit.~~ The term ~~“audit”~~ also comprehends discussions and interviews related to said examination or analysis. Also see ~~“records for audit.”~~

(23) through (28) No change.

(29) “Bribe, Kickback, or Illegal Solicitation” means:

(a) Knowingly and willfully soliciting or receiving any remuneration directly or indirectly, overtly or covertly, in cash or in kind, from any person in return for:

1. Referring or taking an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under the Medicaid or other health care program unless such arrangement has been made with or approved by the Agency department, or

2. Purchasing, leasing, ordering or arranging for or recommending purchasing, leasing or ordering any good, facility, service or item for which payment may be made in whole or in part under the Medicaid program or other health care program unless such arrangement has been made with or approved by the Agency department.

(b) Knowingly or willfully offering or paying any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to any person to induce such person to:

1. Refer or take an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under the Medicaid program or other health care program, unless such arrangement has been made with or approved by the Agency department, or

2. Purchase, lease, order, arrange for any recommended purchase, lease, or order of any good, facility, service or item for which payment may be made in whole or in part under the Medicaid program or other health care program, unless such arrangement has been made with or approved by the Agency department.

(30) through (78) No change.

(79) “Erroneous Payment” means a payment made to a Medicaid recipient, provider, or other person to which he is not entitled and which is caused by intentional or inadvertent error by the recipient, provider, or other person, ~~or is payment for a claim which is false, fictitious, fraudulent, or willfully misrepresented, or is payment for a claim for medical or allied care, goods, or services furnished as the result of illegal solicitation.~~

(80) through (134) No change.

(134) “Investigation” means the activities to determine whether there exist issues of non-compliance with the laws, rules or policies governing the Medicaid Program, and other laws under which the Agency has authority See Audit.”.

(135) through (141) No change.

(142) “Lock-in” means the restriction of a Medicaid recipient to a single ~~primary care~~ provider or ~~prepaid~~ health plan ~~that who~~ is enrolled or under contract with the Agency agency and ~~that who~~ agrees to be responsible for the provision or authorization of ~~all primary care and patient management~~ services for that recipient.

(143) through (165) No change.

(166) “Medically necessary” or “medical necessity” means that the medical or allied care, goods, or services furnished or ordered must:

(a) Meet the following conditions:

1. Be necessary to protect life, to prevent significant illness or significant disability, or to alleviate severe pain;

2. Be individualized, specific, and consistent with symptoms or confirmed diagnosis of the illness or injury under treatment, and not in excess of the patient’s needs;

3. Be consistent with generally accepted professional medical standards as determined by the Medicaid program, and not experimental or investigational;

4. Be reflective of the level of service that can be safely furnished, and for which no equally effective and more conservative or less costly treatment is available; statewide; and

5. Be furnished in a manner not primarily intended for the convenience of the recipient, the recipient’s caretaker, or the provider.

(b) “Medically necessary” or “medical necessity” for inpatient hospital services requires that those services furnished in a hospital on an inpatient basis could not, consistent with the provisions of appropriate medical care, be effectively furnished more economically on an outpatient basis or in an inpatient facility of a different type.

(c) The fact that a provider has prescribed, recommended, or approved medical or allied care, goods, or services does not, in itself, make such care, goods or services medically necessary or a medical necessity or a covered service.

For purposes of determining Medicaid reimbursement, the agency is the final arbiter of medical necessity. Determinations of medical necessity must be made by a licensed physician employed by or under contract with the agency and must be based upon information available at the time the goods or services are provided.

(167) through (171) No change.

(172) “Monitor” means to perform evaluation of a provider’s practice an audit. See “Audit.”

(173) through (190) No change.

(191) "Overpayment" is as set forth in Section 409.913, F.S. means a payment to any recipient, provider, or other person for medical or allied care, goods or services furnished to a recipient to which the recipient, the provider, or the other person is not entitled as determined by the Medicaid program, and which:

(a) Is not caused by intentional or inadvertent error by the recipient, the provider, or the other person;

(b) Is not payment for a claim for medical or allied care, goods, or services furnished as the result of illegal solicitation, and;

(c) Is caused solely by an error on the part of the Department.

(192) though (196) No change.

(197) "Peer" means a person who has equal professional status with a Medicaid provider of a specific type or specialty. Where a person with equal professional status is not reasonably available, a peer includes a person with substantially similar professional status.

(198) "Peer review" means an evaluation of the professional practices of a Medicaid provider by a peer or peers of the provider in order to assess the necessity, appropriateness, and quality of care furnished as such care is compared to that customarily furnished by the provider's peers and to recognized health care standards. A peer reviewer may be employed by the Agency to provide medical or allied consulting services.

(199) "Peer review committee" means a committee of a provider's peers that has contracted with the Agency department to review and report on the professional practices of the provider at the Agency's department direction.

(200) though (241) No change.

(242) "Recipient" or "Medicaid recipient" means any individual whom the Agency department, Department of Children and Families or the Social Security Administration on behalf of the Department of Children and Families, determines is eligible, pursuant to federal and state law, to receive medical or allied care, goods, or services for which the Agency department may make payments under the Medicaid program and is enrolled in the Medicaid program. For the purposes of determining third party liability, the term includes an individual formerly determined to be eligible for Medicaid, an individual who has received medical assistance under the Medicaid program, or an individual on whose behalf Medicaid has become obligated.

Specific Authority 409.919 FS. Law Implemented 409.901-~~9201~~ 409.920 FS. History--New 4-29-93, Formerly 10P-1.010, Amended 6-24-98,\_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE TITLE: Filing Initial and Additional Claims; Reopening Previously Filed Claims

RULE NO.: 60BB-3.013

PURPOSE AND EFFECT: This rule implements the federal requirement that a claimant filing for unemployment compensation benefits must disclose any pending child support obligations in accordance with 42 USC 503 (e)(2)(A)(i).

SUBJECT AREA TO BE ADDRESSED: Unemployment Compensation Claims and Benefits.

SPECIFIC AUTHORITY: 120.53(1)(b), 120.54(6), 443.171(2)(a) FS.

LAW IMPLEMENTED: 443.036(8), 443.091(1), 443.051 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mindy Raymaker, Deputy General Counsel, Agency for Workforce Innovation, 107 E. Madison Street, MSC 110, Tallahassee, FL 32399-4128, (850)245-7150

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60BB-3.013 Filing Initial and Additional Claims; Reopening Previously Filed Claims.

(1) through (2) No change.

(3) Disclosure of Support Obligations.

Each individual filing a new or additional claim for unemployment compensation must disclose at the time of filing whether support obligations are owed and being enforced by a child support agency.

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

Specific Authority 120.53(1)(b), 120.54(6), 443.171(2)(a) FS. Law Implemented 443.036(8), 443.091(1), 443.051 FS. History--New 8-25-92, Formerly 38B-3.013, Amended\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE TITLE: Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees

RULE NO.: 61G3-20.002

PURPOSE AND EFFECT: The Board proposes to amend the rule to change the examination and the reexamination fee allocation for the restricted barbers written portion of the examination.

SUBJECT AREA TO BE ADDRESSED: Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.

SPECIFIC AUTHORITY: 455.2171, 476.064(4), 476.192 FS.  
LAW IMPLEMENTED: 455.2171, 476.192 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robyn Barineau, Executive Director, Barbers’ Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-20.002 Application Fee for Licensure Through Examination or Endorsement and Reexamination Fees.

(1) No change.

(2) The application fee for licensure by means of examination and reexamination for restricted barbers shall be as follows:

Method of Licensure: Application fee:

(a) Examination and Reexamination

1. Practical Portion The application fee for both the examination and reexamination for the practical portion shall be seventy-five dollars (\$75.00). All fees shall be payable to the Department.

2. Written Portion The application fee for both the examination and reexamination for the written portion shall be seventy-five dollars (\$75.00). Seventy dollars and fifty cents (\$70.50) ~~Sixty-one dollars and fifty cents (\$61.50)~~ of both the examination and the reexamination application fee for the written portion of the examination shall be paid to the Department and four dollars and fifty cents (\$4.50) ~~thirteen dollars and fifty cents (\$13.50)~~ shall be paid to the professional testing service.

(3) No change.

Specific Authority 455.2171, 476.064(4), 476.192 FS. Law Implemented 455.2171, 476.192 FS. History—New 7-16-80, Amended 6-30-83, 10-17-85, Formerly 21C-20.02, Amended 12-15-87, 5-11-88, Formerly 21C-20.002, Amended 9-21-94, 11-6-00, 2-19-04, 8-8-04,\_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance Boards**

RULE TITLE: Biennial Licensing RULE NO.: 64B-9.001

PURPOSE AND EFFECT: To update the existing text based upon new legislation.

SUBJECT AREA TO BE ADDRESSED: Biennial Licensing for certified nursing assistants.

SPECIFIC AUTHORITY: 456.004(1) FS.

LAW IMPLEMENTED: 456.004(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stephanie Duhart, OMC Manager, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Initial Fee for Licensure and Wall Certificate RULE NO.: 64B19-12.0041

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

SUBJECT AREA TO BE ADDRESSED: Initial Fee for Licensure and Wall Certificate.

SPECIFIC AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 456.013(2), 490.005(1)(a), 490.006(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Reactivation Fee and Change of Status Fee  
 RULE NO.: 64B19-12.006

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

SUBJECT AREA TO BE ADDRESSED: Reactivation Fee and Change of Status Fee.

SPECIFIC AUTHORITY: 456.036(4) FS.

LAW IMPLEMENTED: 456.025, 456.036(4),(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Renewal of Inactive Licenses  
 RULE NO.: 64B19-13.002

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

SUBJECT AREA TO BE ADDRESSED: Renewal of Inactive Licenses.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Continuing Psychological Education Credit  
 RULE NO.: 64B19-13.003

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

SUBJECT AREA TO BE ADDRESSED: Continuing Psychological Education Credit.

SPECIFIC AUTHORITY: 456.013(7), 490.004(4), 490.0085(4) FS.

LAW IMPLEMENTED: 456.013(7), 490.007(2), 490.0085(1),(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Reactivation of Inactive Licenses  
 RULE NO.: 64B19-15.003

PURPOSE AND EFFECT: The Board proposes the rule amendment to specify the continuing education requirements and at what point the licensee must submit proof of continuing education.

SUBJECT AREA TO BE ADDRESSED: Licensees with inactive or active licenses are to submit proof of continuing education each full biennium.

SPECIFIC AUTHORITY: 456.036, 490.004(5) FS.

LAW IMPLEMENTED: 456.036 FS.

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



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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-15.003 Reactivation of Inactive Licenses.

(1) No change.

(2) In addition, the licensee must submit proof that the licensee has obtained forty (40) hours of continuing education that meets the requirements of subsection 64B19-13.003(3), F.A.C., for each full biennium in which the license was in an inactive status and for the last full biennium in which the licensee held an active status license or part thereof inactive licensure status. Finally, the licensee must either report any disciplinary action that has been taken against the licensee. If the licensee has any outstanding administrative fines, the license may not be restored to active status until the administrative fines are paid.

Specific Authority 456.036, 490.004(5) FS. Law Implemented 456.036 FS. History—New 1-19-84, Formerly 21U-13.015, 21U-19.003, 61F13-19.003, Amended 1-7-96, Formerly 59AA-15.003, Amended 8-5-01, 3-25-02,

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Disciplinary Guidelines  
RULE NO.: 64B19-17.002

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

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.079, 490.004(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 490.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE CHAPTER TITLE: Rules for Self-Insurers Under the Workers' Compensation Act  
RULE CHAPTER NO.: 69L-5

RULE TITLE: General Requirements  
RULE NO.: 69L-5.102

PURPOSE AND EFFECT: To require employers seeking self-insured status under Section 440.38(6), F.S., to submit an application for purposes of the Department making a determination as to whether the employer qualifies as a self-insurer under Section 440.38(6), F.S. The proposed rule amendment deletes language exempting employers subject to Section 440.38(6), F.S. from complying with the qualifying and application requirements and replaces it with language that imposes a mandatory qualification and application process upon such employers for purposes of the Department making a determination as to whether the employer qualifies as a self-insurer under Section 440.38(6), F.S.

SUBJECT AREA TO BE ADDRESSED: Self-insured status of employers under Section 440.38(6), F.S.

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: 440.38(2)(b), 440.591 FS.

LAW IMPLEMENTED: 440.38(6) FS.

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

TIME AND DATE: 9:30 a.m., October 6, 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: Gregory Jenkins, Chief of Monitoring and Audit, 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-5.102 General Requirements.

(1) An entity that is filing to be self-insured pursuant to Section 440.38(6), F.S., shall submit to the Division for review at least 90 days prior to the preferred effective date the

following information: Employers within the scope of Section 440.38(6), Florida Statutes, shall be exempt from qualifying for self-insurance, but shall submit their intent to self-insure in writing to the division. These self-insurers shall not be required to submit an application, financial statement, security deposit, actuary report or proof of excess insurance. All other requirements established by these rules shall apply.

(a) Application For Governmental Self-Insurance, Form DFS-F2-SI-1G, incorporated by reference into rule (rev. 8/05).

(b) Application For Self-Insurance Estimated Payroll, Form DFS-F2-SIEP, incorporated by reference into rule (rev. 8/05).

(c) Certification of Servicing, Form SI-19, incorporated by reference into Rule 69L-5.117, F.A.C.

(d) National Council on Compensation Insurance (NCCI) Experience Rating Worksheet for the applicant's current year.

(e) Copy of document(s) through which applicant is organized and/or authorized to operate as a governmental entity, including but not limited to articles of incorporation, grant of authority, or charter.

(f) Legal memorandum presenting evidence that the applicant meets the scope of Section 440.38(6), F.S.

(g) The application and supporting documentation shall be submitted to the following address:

Division of Workers' Compensation  
Bureau of Monitoring and Audit/Self-Insurance  
200 East Gaines Street  
Tallahassee, Florida 32399-4224

(h) Upon receipt of the application and supporting documentation, the Division shall determine if the applicant is within the scope of Section 440.38(6), F.S.

All other requirements established by these rules shall apply.

(2) through (3) No change.

(4) Forms adopted. The forms set forth in paragraphs (1)(a) and (b), as well as the accompanying instructions to the forms, are hereby adopted. Copies of the forms are available from the Division of Workers' Compensation, Bureau of Monitoring and Audit, Self-insurance Section, 2012 Capital Circle, S. E., Hartman Building, Suite 200, Tallahassee, FL 32399-4224.

Specific Authority 440.38(2)(b), 440.591 FS. Law Implemented 440.38(6) FS. History--New 5-19-97, Formerly 38F-5.102, 4L-5.102, Amended \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: Forms and Disclosure Requirements  
 RULE NO.: 69O-167.013  
 PURPOSE AND EFFECT: To implement the provisions of SB 1486(2005) by: (1) specifying the requirements to "prominently display" the actual dollar value of the hurricane deductible on the declarations page of the policy at issuance and, for renewal, on the renewal declarations page of the policy or on the premium renewal notice for any personal lines

residential property insurance policy containing a separate hurricane deductible or an inflation guard rider; and (2) developing a comprehensive checklist of coverage forms that insurers must deliver to policyholders, prior to issuance or accompanying delivery of, a basic homeowners', mobile homeowners', dwelling, or condominium unit owners policy. The coverage checklist forms being developed must contain a list of the standard provisions and elements that are typically included in these types of policies, whether or not they are included in the particular policy being issued, in a format that allows the insurer to place a check mark next to the provisions and elements that are included in the particular policy being issued, so that the consumer can see both what is included and what is not included in the policy.

SUBJECT AREA TO BE ADDRESSED: Forms and disclosure requirements.

SPECIFIC AUTHORITY: 624.308(1), 627.4143, 627.701 FS.

LAW IMPLEMENTED: 627.4143 627.701 FS.

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

TIME AND DATE: 9:30 a.m., September 16, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, e-mail: michael.milnes@fldfs.com

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

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: Forms  
 RULE NO.: 69O-170.0155

PURPOSE AND EFFECT: To adopt forms that will be available for electronic viewing and downloading from the Office of Insurance Regulation or Department of Financial Services Internet websites, which notify the applicant or policyholder of any personal lines residential property insurance policy, at the time of the issuance of the policy and at each renewal, of the availability and the range of each premium discount, credit, other rate differential, or reduction in deductibles for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm can be or have been installed or implemented. The

forms also describe generally what actions the policyholders may be able to take to reduce their windstorm premium and provide a list of premium discount, credit, other rate differential, or reduction in deductible ranges that have been approved by the office for each insurer licensed in the state.

SUBJECT AREA TO BE ADDRESSED: Forms development and disclosure requirements.

SPECIFIC AUTHORITY: 624.308(1), 627.711 FS.

LAW IMPLEMENTED: 627.711 FS.

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

TIME AND DATE: 9:30 a.m., September 16, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, e-mail: michael.milnes@fldfs.com.

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

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: RULE NO.:

Medical Malpractice Insurance 690-171.009  
Open Claims Reporting

PURPOSE AND EFFECT: To develop rules to give the Office the ability to monitor losses and claims development in the Florida medical malpractice insurance market by establishment of an open claims database.

SUBJECT AREA TO BE ADDRESSED: Monitoring losses and claims development in the Florida medical malpractice insurance market.

SPECIFIC AUTHORITY: 624.308, 627.912(7) FS.

LAW IMPLEMENTED: 624.307, 627.912 FS.

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

TIME AND DATE: 9:30 a.m., September 22, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Claude Mueller, Director, Property and Casualty Financial Oversight, Office of Insurance Regulation, e-mail: claude.mueller@fldfs.com

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

**Section II  
Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLES:	RULE NOS.:
Standards of National Fire Protection Association Adopted	5F-11.002
Approval of Liquefied Petroleum Gas Containers	5F-11.027
Installation of Containers on Roofs of Buildings	5F-11.028
Inspection of DOT Cylinders	5F-11.029
Out of Service Account Procedure	5F-11.043
Out-of-Gas, Leak Call, and Interrupted Service Procedure	5F-11.044
Dispensing Units	5F-11.045
Introducing Gas into Containers for Transportation; Dealer to Insure Compliance	5F-11.046
Installation of Unvented Room Heaters	5F-11.050

PURPOSE AND EFFECT: The purpose of these rule revisions is to adopt the 2004 edition of National Fire Protection Association Standard #58, The LP-Gas Code, as well as the 2002 edition of National Fire Protection Association Standard #54, the National Fuel Gas Code and to revise references within the existing rules to be consistent with these codes.

SUMMARY: This rule amends specific sections of Chapter 5F-11, F.A.C., to adopt and be consistent with current codes. References to specific sections of the codes have been changed, to reflect changes in the code numbers and sections.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of regulatory costs has been prepared, as costs are anticipated to be minimal.

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

SPECIFIC AUTHORITY: 527.06 FS.

LAW IMPLEMENTED: 527.06 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: Vicki O'Neil, Bureau Chief of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32314-1650, (850)921-8001

THE FULL TEXT OF THE PROPOSED RULES IS:

5F-11.002 Standards of National Fire Protection Association Adopted.

The standards of the National Fire Protection Association for the storage and handling of liquefied petroleum gases as published in NFPA No. 58, LP-Gas Code ~~2004~~ 2001 edition, and for gas appliances and gas piping as published in NFPA No. 54, American National Standard National Fuel Gas Code, ~~2002~~ 1999 edition, shall be the accepted standards for this state, subject to such additions and exceptions as are set forth in these rules. Reference to NFPA 58 and NFPA 54 in these rules shall be to the most recent edition as adopted herein.

(a) Section 3.2.10 ~~6.6.7~~ of NFPA 58, ~~2004~~ 2001 edition, titled "Installation of Containers on Roofs of Buildings," is hereby excluded from adoption.

(2) Each of the NFPA publications listed in subsection (1) above is incorporated by reference in each rule within this rule chapter in which referenced is made to the publication. In each instance, the publication becomes a part of the rule, in the entirety of the publication, or in part thereof, as the rule provides or the context of the rule may require.

(3) "NFPA" is the recognized abbreviation for the National Fire Protection Association, Inc., and generally the abbreviation is used in these rules in identifying the publications of the association. The public may obtain a copy of any NFPA publication by writing the association, whose address is: National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.01, Amended 7-18-85, Formerly 4B-1.01, Amended 10-8-86, 2-6-90, 8-9-92, Formerly 4B-1.001, Amended 7-20-95, 7-23-97, 6-8-99, 5-23-00, 9-2-02, \_\_\_\_\_.

5F-11.027 Approval of Liquefied Petroleum Gas Containers.

Liquefied petroleum gas containers shall be considered approved when designed, fabricated, tested, and marked (or stamped) in accordance with the requirements of Section ~~5.2~~ ~~2-2-1-3~~, NFPA 58.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 6-5-97, Amended \_\_\_\_\_.

5F-11.028 Installation of Containers on Roofs of Buildings.

Installation of containers on roofs of buildings as referenced in NFPA 58, Section ~~6.6.7~~ ~~3-2-10~~ is prohibited.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.062 FS. History—New 6-8-99, Amended 5-23-00, 9-2-02, \_\_\_\_\_.

5F-11.029 Inspection of DOT Cylinders.

(1) This section pertains to cylinders, which are manufactured to U.S. Department of Transportation (DOT) specifications. DOT cylinders in stationary service that are filled on site, which are not under the jurisdiction of DOT and not requalified according to DOT requirements, shall be inspected according to the following visual inspection criteria:

(a) The cylinder is checked for exposure to fire, dents, cuts, digs, gouges and corrosion according to requirements of Section C.3.2, ~~Annex~~ Appendix C, of NFPA 58.

(b) The cylinder protective collar (where utilized) and the foot ring are intact and are firmly attached.

(c) The cylinder is painted or coated to retard corrosion.

(d) The cylinder pressure relief valve indicates no visible damage, corrosion of operating components, or obstructions.

(e) There is no leakage from the cylinder or its appurtenances that is detectable without the use of instruments.

(f) The cylinder is installed on a firm foundation and is not in contact with the soil.

(g) A cylinder that passes the visual examination shall be legibly marked with the date and year of the examination followed by the letter "E" (example: 10-1E indicating requalification in October 2001 by the external visual inspection method.)

(h) The results of the visual inspection shall be documented and a record of the inspection shall be retained for a five-year period.

(2) Any cylinder that fails one or more of the criteria in this section shall not be refilled or continued in service until the condition is corrected. Stationary cylinders shall be visually inspected within 12 years of the date of manufacture and within five years after each subsequent visual inspection.

(3) All DOT cylinders in stationary service on the effective date of this rule, and which are not requalified according to U.S. Department of Transportation standards, shall be inspected according to the criteria of this section no later than January 1, 2008.

(4) Personnel trained and qualified to perform inspection procedures, with such training documented in accordance with Rule 5F-11.060, F.A.C., shall conduct the visual inspection.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 5-9-04, Amended \_\_\_\_\_.

## 5F-11.043 Out of Service Account Procedure.

(1) All licensed suppliers of LP gas shall:

(a) Identify those accounts where stationary, company-owned tanks with a 100 gallon or more container capacity have been out of service for a period of 12 months, and within 60 days, initiate appropriate container abandonment procedures pursuant to Section ~~6.6.6 3-2.9.1(f)~~ of NFPA 58. Alternatively, licensed suppliers may provide for the safe removal of the container or containers, install a suitable mechanical device that prevents the system from being activated or have a pressure leak safety check pursuant to ~~Annex Appendix~~ D of NFPA 54 performed every 12 months. The supplier shall provide reasonable notice to the customer prior to initiating such procedures.

(b) In the event an account is reactivated, the supplier shall perform an appropriate pressure leak safety check. Each supplier shall maintain records of such inactive accounts suitable for inspection by the Department.

(2) All consumers, end users or owners of LP gas containers shall:

(a) Within 60 days initiate the safety procedures outlined in paragraph (1)(a) above, for any stationary LP gas tank with a 100 gallon or more container capacity which has not been in use for a period of 12 months.

(b) Alternatively, have a prescribed pressure leak safety check performed annually by licensed, qualified personnel.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 7-23-86, Amended 2-6-90, Formerly 5F-11.044, Amended 4-30-96, 9-2-02,

## 5F-11.044 Out-of-Gas, Leak Call, and Interrupted Service Procedure.

(1) Prior to filling an LP gas container in an out-of-gas situation, a licensed supplier of LP gas shall:

(a) Close all container valves.

(b) If practical, physically check all appliances and appliance outlets to be certain they are closed and check for evidence of appliance changes and open or uncapped lines.

(c) If the customer is not present or appliances are inaccessible, close container(s) valves and provide adequate written notice to the customer of the work done. Written notice as provided in NPGA #102-91, which is hereby incorporated by reference, shall be deemed adequate.

(d) Fill container(s) or replace safely with filled container(s).

(e) If access is possible, put all appliances back in service, making certain all pilots are properly lighted.

(f) An LP gas serviceman may, subsequent to the filling of an LP gas container in an out-of-gas situation, perform the safety procedures required in paragraphs (b), (c) and (e) above.

(2) If reason exists to suspect LP gas leakage, an LP gas license holder or its employee shall:

(a) Check for leakage by performing an appropriate leak test pursuant to ~~Annex Appendix~~ D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(b) Make necessary repairs or leave system in a safe condition.

(c) After repairs are made, place the system back into service, pursuant to Section 4.2, Chapter 7, NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(3) In instances involving the interruption of gas supply to a system, the following procedures shall be followed:

(a) The LP gas license holder or its employee shall check for leakage of the affected areas of the system in accordance with Chapter 7 4 of NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(b) A leak test of the system as prescribed in ~~Annex Appendix~~ D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C., must be performed prior to placing the system back into service.

(c) A leak test as prescribed in ~~Annex Appendix~~ D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C., shall not be required where the LP gas license holder or its employee has caused the interruption of the gas supply to the system for the purpose of minor repairs to the system, and where the license holder or its employee remains on the system site and monitors the system during the service. However, the repairs shall be leak tested by means of an approved combustible gas detector or a leak detector solution.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 7-23-86, Amended 6-8-88, 2-6-90, 12-31-91, Formerly 4B-1.030, Amended

## 5F-11.045 Dispensing Units.

(1) In addition to the requirements of NFPA 58 as incorporated by reference in Rule 5F-11.003, F.A.C., all LP gas vehicle fuel dispensers and dispensing stations shall:

(a) Prominently post “No Smoking” signs on the visible or approachable sides and ends of the container.

(b) Prominently post “Flammable Gas” or “Propane” on the visible or approachable sides of the container.

(c) Prominently post proper filling instructions at the transfer location.

(2) Newly installed or relocated vehicle fuel dispensers or dispensing stations, if subject to vehicular traffic, shall be protected by adequate barriers as follows:

(a) The minimum distance for barricade posts from the sides and non-dispensing end of the unit shall be three (3) feet.

(b) Minimum distance for barricade posts around the dispensing end of the tank (scale area) shall be ten (10) feet if the unit is exposed to vehicular traffic parking or traffic patterns.

(c) The minimum standard for barricade posts shall be as follows:

- 1. Posts must extend three (3) feet below ground and three (3) feet aboveground;
- 2. Posts must be located three (3) feet apart; and
- 3. Posts must be constructed of three (3) inch steel pipe or its equivalent.

(d) Natural barriers (such as trees) shall be accepted in lieu of crash posts if the natural barriers provide equivalent protection.

(3) Vehicle fuel dispensers or dispensing stations which have been inactive (out of service) for a period of six (6) months shall be made safe by evacuation of any remaining LP gas from the tank, reducing the tank pressure to vapor pressure and plugging all container openings.

(4) Vehicle fuel dispensers or dispensing stations which have been inactive (out of service) for a period of twelve (12) months shall be removed from the premises.

(5) The requirements for an actuated liquid withdrawal valve pursuant to Section 5.7.7 2-2.3 of NFPA 58 as incorporated by reference in Rule 5F-11.002, F.A.C., shall not apply to dispensing units when such units are equipped with a bottom outlet valve piped for liquid withdrawal or other method of liquid withdrawal that is permanently in place. In such cases, the actuated liquid withdrawal valve may be replaced with an approved valve pursuant to the requirements of NFPA 58.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 6-8-88, Formerly 4B-1.032, Amended 3-15-94, 7-20-95, 6-5-97, 9-2-02, \_\_\_\_\_.

5F-11.046 Introducing Gas into Containers for Transportation; Dealer to Insure Compliance.

No dealer in liquefied petroleum gas shall introduce liquefied petroleum gas into any container if such is to be transported in any vehicle unless the provisions of NFPA No. 58, Chapter 6 and Chapter 2 2 are complied with. It shall be the responsibility to the dealer to insure that the transportation of any such container brought to his premises and while upon or about his premises complies with the above stated regulations subsequent to filling.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 8-7-80. Formerly 4A-1.15, Amended 7-18-85, Formerly 4B-1.11, Amended 10-8-86, 2-6-90, Formerly 4B-1.011, Repromulgated \_\_\_\_\_.

5F-11.050 Installation of Unvented Room Heaters.

The following exceptions to the requirements of Section 9.23 6-24 of NFPA 54, 1992 edition, are adopted with regard to the installation of unvented room heaters:

(1) One listed, wall-mounted, unvented room heater, equipped with an oxygen depletion safety shutoff system may be installed in a bathroom, provided that the input rating shall not exceed 6000 BTU per hour and combustion and ventilation air are provided as specified by Section 8.3 6-1(b) of NFPA 54.

(2) One listed, wall-mounted, unvented room heater equipped with an oxygen depletion safety shutoff system may be installed in a bedroom, provided that the input rating shall not exceed 10,000 BTU per hour and combustion and ventilation air are provided as specified by Section 8.3 6-1(b) of NFPA 54.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 12-4-95, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vicki O'Neil

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul Driggers, Director, Division of Standards

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2005

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Emergency Management**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Hazardous Materials	9G-14
RULE TITLES:	RULE NOS.:
Definitions	9G-14.002
Section 313 Toxic Chemical	
Release Inventory Fee	9G-14.0045
Approved Forms	9G-14.006
EPCRA Public Information Requests;	
Inspection and Copies	9G-14.010

PURPOSE, EFFECT AND SUMMARY: To redesignate the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act to the Emergency Planning and Community Right-to-Know Act; to update a reference to the federal list of toxic chemicals to state "s. 313 EPCRA listed substances in effect on January 1, 2005;" to update the current rule eliminating references to the Department of Labor & Employment Security; and to update information such as addresses and forms.

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: 120.53, 252.83(1) FS.

LAW IMPLEMENTED: 119.07(1), 120.53, 215.26, 252.82, 252.83, 252.84, 252.85, 252.88 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 a.m., September 19, 2005  
 PLACE: Department of Community Affairs, Sadowski Building, Room 310M, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sheri Powers, Administrator, Compliance Planning and Support, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9925

THE FULL TEXT OF THE PROPOSED RULES IS:

9G-14.002 Definitions.

As used in this rule chapter:

(1) "Agricultural Employee" means each full-time and each part-time non-seasonal employee within this state reported by the owner or operator of an agricultural facility to the Department of ~~Revenue Labor and Employment Security~~ for unemployment compensation tax purposes, the total number of which shall not be less than the number for the month reflecting the lowest number of employees for the calendar year.

(2) through (4) No change.

(5) "Employee" means each full-time and each part-time employee employed within the State by the owner or operator of a facility as reported to the Department of ~~Revenue Labor and Employment Security~~ for unemployment compensation tax purposes for the last month of the calendar year.

(6) through (10) No change.

(11) "Owner/Operator" means a sole proprietorship, or partnership, or company with an assigned Federal Employer Identification number, that reports employees to the Florida Department of ~~Revenue Labor and Employment Security~~ including, at a minimum, employees at the facility in Florida subject to reporting under EPCRA Section 302 or 312.

(12) through (13) No change.

Specific Authority 252.83(1) FS. Law Implemented 252.82 FS. History--New 11-24-88, Amended 12-31-92, 1-3-01, \_\_\_\_\_.

9G-14.0045 Section 313 Toxic Chemical Release Inventory Fee.

(1) An owner or operator of one or more facilities who is required to submit a United States Environmental Protection Agency Toxic Chemical Release Inventory Form-R report or alternate threshold Form-A filing to the Commission under s. 313 of EPCRA shall be required to pay an annual reporting fee of \$150.00 per Toxic Chemical Release Inventory Form-R report and \$75 per chemical listed on each Form-A alternate threshold filing for each s. 313 listed EPCRA substances in effect on January 1, ~~2005~~ ~~1998~~, using Form Number HMP-08-00.

(2) No change.

Specific Authority 252.83(1) FS. Law Implemented 252.84, 252.85 FS. History--New 12-31-92, Amended 2-26-97, 12-20-98, 1-3-01, \_\_\_\_\_.

9G-14.006 Approved Forms.

The following forms are adopted by reference. Use of Form HMP-02-00 is required for submission of an annual registration fee. Use of Form HMP-01-98 is required for submission of a notification pursuant to EPCRA s. 302. Use of Form HMP-05-00 is required for submission of an annual inventory form pursuant to EPCRA Chapters 312 and 324 and subsection 252.88(3), F.S. Use of Form HMP-09-00 is required for submission of a request for a refund for overpayment of fees or for fees paid in error pursuant to Rule 9G-14.007, F.A.C. Use of Form HMP-10-00 is required for electronic transmission of an annual inventory report pursuant to EPCRA s. 312 and 324 and subsection 252.88(3), F.S. Use of Form HMP-11-00 is required for providing certification of accuracy for electronic transmission filings. Use of Form HMP-08-98 is required for submission of an annual inventory report or alternate threshold filing fee submitted pursuant to EPCRA s. 313. These forms are available at no charge from the Department of Community Affairs, Division of Emergency Management, Bureau of Compliance Planning and Support, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.

FORM NO.	SUBJECT	EFFECTIVE DATE
HMP-01-98	Section 302 – Emergency Planning Notification	<u>7-1-05</u>
HMP-02-00	Annual Registration Form	<u>7-1-05</u> <del>1-3-01</del>
HMP-05-00	Tier Two Form (with instructions)	<u>7-1-05</u> <del>1-3-01</del>
HMP-06-95	Confidential Location Information Sheet	<u>7-1-05</u> <del>1-3-01</del>
HMP-08-00	Toxic Chemical Release Inventory Fee Form	<u>7-1-05</u> <del>1-3-01</del>
HMP-09-00	Refund Application Form	<u>7-1-05</u> <del>1-3-01</del>
HMP-10-00	Electronic Tier Two Form (with instructions)	<u>7-1-05</u> <del>1-3-01</del>
HMP-11-00	Tier Two Certification Statement Form	<u>7-1-05</u> <del>1-3-01</del>

Specific Authority 120.53, 252.83(1) FS. Law Implemented 120.53, 215.26, 252.84, 252.85 FS. History--New 11-28-90, Amended 12-31-92, 6-1-95, 2-26-97, 12-20-98, 1-3-01, \_\_\_\_\_.

9G-14.010 EPCRA Public Information Requests; Inspection and Copies.

(1) Requests for information may be directed to the Local Emergency Planning Committee (LEPC), c/o the Regional Planning Council (RPC), at the following addresses:

- District One LEPC
- c/o West Florida RPC
- Post Office Box ~~9759~~ ~~486~~
- Pensacola, Florida ~~32513-9759~~ ~~32593-0486~~
- District Two LEPC
- c/o Apalachee RPC

~~20776 Central Avenue East 314 East Central Avenue, Room 419~~  
 Blountstown, Florida 32424  
 District Three LEPC  
 c/o North Central Florida RPC  
~~Suite A~~  
 2009 Northwest 67 Place, Suite A  
 Gainesville, Florida 32653  
 District Four LEPC  
 c/o Northeast Florida RPC  
~~6850 Belfort Oaks Place 9143 Phillips Highway, Suite 350~~  
 Jacksonville, Florida ~~32216 32256~~  
 District Five LEPC  
 c/o Withlacoochee RPC  
 1241 Southwest Tenth Street  
 Ocala, Florida 34474-2798  
 District Six LEPC  
 c/o East Central Florida RPC  
 631 North Wymore Road, Suite 100  
 Maitland, Florida ~~32751 32789~~  
 District Seven LEPC  
 c/o Central Florida RPC  
 Post Office Box 2089  
 Bartow, Florida 33831  
 District Eight LEPC  
 c/o Tampa Bay RPC  
~~4000 Gateway Centre Blvd., Suite 100 9455 Koger Boulevard~~  
~~Suite 219~~  
Pinellas Park, Florida 33782 St. Petersburg, Florida 33702  
 District Nine LEPC  
 c/o Southwest Florida RPC  
~~1926 Victoria Avenue Post Office Box 3455~~  
 Fort Myers, Florida ~~33901 33918 3455~~  
 District Ten LEPC  
 c/o Treasure Coast RPC  
 301 East Ocean Boulevard, Suite 300  
 Stuart, Florida 34994  
 District Eleven LEPC  
 c/o South Florida RPC  
 3440 Hollywood Boulevard, Suite 140  
 Hollywood, Florida 33021  
 Requests for inspection and copying of any EPCRA records that are open to the public may be directed to the same office or to the Commission, c/o the Department of Community Affairs at 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2149.

(2) through (5) No change.

Specific Authority 120.53, 252.83(1) FS. Law Implemented 119.07(1), 120.53, 252.83, 252.88 FS. History—New 6-1-95, Amended 2-26-97, 1-3-01,  
 \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Sheri Powers, Administrator, Compliance Planning and Support, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9925  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eve Rainey, Chief, Bureau of Compliance Planning and Support, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9914  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 24, 2005

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

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Food Services – Standards of Operation  
 RULE NO.: 33-204.003  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to extend the time period for which therapeutic diets can be prescribed.  
 SUMMARY: The proposed rule allows therapeutic diets to be prescribed for 180 days rather than 90 days.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.  
 Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.  
 SPECIFIC AUTHORITY: 20.315, 944.09 FS.  
 LAW IMPLEMENTED: 20.315, 944.09 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-204.003 Food Services – Standards of Operation.
- (1) through (3) No change.
- (4) Therapeutic Diets. Therapeutic diets for medical or dental reasons shall be provided as ordered by a Department of Corrections credentialed physician, clinical associate (physicians assistant, advanced registered nurse practitioner) or



dentist. All orders for therapeutic diets shall be in writing. Non-standard therapeutic diets shall be approved by the public health nutrition program manager and the regional medical executive director. Therapeutic diets shall be served for a maximum of 180 ~~90~~ days. Diets extending for periods longer than 180 ~~90~~ days shall require a new diet order from the attending Department of Corrections credentialed physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist. Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the therapeutic diet. The Public Health Nutrition Program Manager and the Public Health Consultants shall be available for consultation by health and food service personnel regarding therapeutic diets.

(5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04, 2-27-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary – Programs  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 2005

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Monitoring Sex Offender Conditions of Supervision  
 RULE NO.: 33-302.108

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise statutory references, clarify responsibilities of staff supervising sex offenders with regard to checks for compliance with conditions of supervision.

SUMMARY: The proposed rule revises references to Florida Statutes relating to conditions of supervision of sex offenders and specifies the types of checks that must be made by the supervising officer to ensure compliance with the conditions of supervision.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.  
 LAW IMPLEMENTED: 944.09, 947.1405, 948.30 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.108 Monitoring Sex Offender Conditions of Supervision.

(1) No change.

(2) Prohibition of living within 1000 feet of a school, day care center, park, playground, or other place where children regularly congregate, as prescribed by the court or releasing authority – If the court or releasing authority imposes this condition of supervision, the supervisor shall ensure:

(a) The officer has researched the offender’s residence location for known places where children regularly congregate to ensure compliance with the order of supervision and Sections 948.30 and 947.1405 paragraphs 948.03(5)(a) and (b), Florida Statutes; and,

(b) No change.

(3) through (6) No change.

(7) Pornographic Material – If the court or releasing authority imposes a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs or computer services that are relevant to the offender’s deviant behavior pattern, the officer shall ensure compliance by conducting walk-through visual inspections searches during the initial visit and, ~~at a minimum, once quarterly~~ during subsequent walk through visual inspections or warrantless planned searches of visits to the offender’s residence, ~~which can lead to warrantless planned searches if pornographic material is observed.~~

(8) Computer or Internet Restrictions –

(a) If the court or releasing authority imposes a condition of supervision that limits or prohibits use of computers or the internet, the officer shall monitor compliance by conducting walk through visual inspections searches during the initial visit and, ~~at a minimum, once quarterly~~ during subsequent walk through visual inspections or warrantless planned searches of visits to the offender’s residence to ensure the offender is in compliance with the condition of supervision;

(b) through (c) No change.

Specific Authority 944.09 FS. Law Implemented 944.09, 947.1405, 948.30 ~~948.03~~ FS. History—New 12-18-01, Amended 6-18-02, 12-31-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Johnson, Senior Management Analyst Supervisor – Office of Community Corrections  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: R. Beth Atchison, Assistant Secretary of Community Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 29, 2005

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Early Termination of Supervision  
 RULE NO.: 33-302.111

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language and to clarify the criteria and process for considering an offender for early termination of supervision.

SUMMARY: The proposed rule provides that an offender must have made significant life improvements in order to be considered by the supervising officer for early termination of supervision. The proposed rule eliminates language related to review of the restoration of civil rights process as this will be addressed during orientation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.111 Early Termination of Supervision.

(1) Before a correctional probation officer considers ~~recommending an offender for~~ early termination of supervision, the offender shall meet the following criteria shall be met:

(a) through (f) No change.

(g) The offender has made significant life improvements ~~satisfactory adjustment under supervision~~ and is no longer in need of supervision.

(2) In order for an officer to ~~consider request~~ an early termination of supervision ~~from the sentencing or releasing authority~~, approval must be obtained from the officer's supervisor, the circuit administrator, the State Attorney's Office, and the victim, if the offense involved a victim. If the State Attorney's office denies the request, or the victim

opposes the early termination, the department will not proceed with the early termination ~~recommendation~~. The officer shall not disclose a victim's objection to the offender.

(3) The officer shall notify the offender of the judge's decision upon receipt of the judge's response. ~~If the offender was adjudicated guilty, the officer shall review the restoration of civil rights process with the offender.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 11-26-01, Amended 6-29-03, 12-2-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Johnson, Senior Management Analyst Supervisor – Office of Community Corrections

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: R. Beth Atchison, Assistant Secretary of Community Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 12, 2005

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Inmate Orientation  
 RULE NO.: 33-601.100

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to require that inmates address staff and official visitors in a respectful manner.

SUMMARY: The proposed rule requires that inmates address uniformed staff by rank and last name and non-uniformed staff and official visitors by Mr./Ms. or title and last name.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.100 Inmate Orientation.

(1) Upon initial arrival in the Department of Corrections, each inmate shall be provided with orientation at which time the rules and procedures of the Department of Corrections shall be explained. Upon transfer within the Department, each



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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

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

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate revisions to Form No. 41.10-410(2)(8/96), the Well Completion Report, into Rule 40D-1.659, F.A.C. Existing language in the form seeking information on permits authorizing multiple wells, such as how many of the authorized wells were constructed or abandoned, and whether any of the authorized wells are being cancelled, has proven to be confusing. The proposed revisions will clarify the information being requested, provide space for additional information on water quality testing results, and update descriptions of well uses and drill methods. The effect of the proposed rule amendment will be to make the form clearer and easier to use.

SUMMARY: The proposed rule amendment adopts revisions to the Well Completion Report, a form relating to water well construction. This form provides factual information to the District concerning the construction or abandonment of permitted wells, such as depth of casing or amount of grout used. The revisions to the form include a clarification of information being requested concerning multiple-well permits, additional space for information on water quality testing, and updates of descriptions of well use and drill methods.

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

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

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

**GROUND WATER**

(1) through (4) No change.

(5) WELL COMPLETION REPORT

FORM No. ~~LEG-~~ ( /05) ~~41-10-410(2)-(8/96)~~

(6) through (20) No change.

**SURFACE WATER**

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (15) No change.

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

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

Resource Permits  
 RULE TITLE: Publications and Agreements Incorporated  
 RULE NO.: 40D-4.091

PURPOSE AND EFFECT: The purpose of this amendment to Rule 40D-4.091, F.A.C., is to incorporate amendments to Chapter 2.0 of the Environmental Resource Permitting Basis of Review (ERP Basis of Review).

SUMMARY: The proposed amendment to the ERP Basis of Review creates Section 2.0 to inform applicants of various means to demonstrate ownership or control of the project area, that are acceptable to the District. The Environmental Resource Permitting (ERP) Basis of Review does not currently provide guidance to a permit applicant on the District’s interpretation of this requirement. The amendment provides that ownership or control may be demonstrated through a deed, a long-term lease demonstrating control of the project area adequate to comply with all permit conditions, a purchase and sale agreement, or similar document. The amendment further provides that where control is demonstrated by a lease, the permit will be conditioned to address abandonment or transfer of control of the permitted system at the end of the lease. Also, where control is demonstrated by a purchase and sale agreement, the permit will be conditioned to terminate if the transfer of ownership does not occur, and to prohibit construction until ownership is transferred to the permittee.

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

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

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

(1) “Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District, June 30, 2005. This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History–New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, \_\_\_\_\_.

ENVIRONMENTAL RESOURCE PERMITTING  
 INFORMATION MANUAL  
 BASIS OF REVIEW  
 CHAPTER 2

2.0 Ownership and Control – In accordance with the requirements of paragraph 40D-4.301(1)(j), F.A.C., an applicant must demonstrate reasonable assurance that permitted activities will be conducted by an entity with financial, legal and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued. Compliance with this requirement may be demonstrated through a deed, a long-term lease demonstrating control of the project area adequate to comply with all permit conditions, a purchase and sale agreement, or similar document. Where control is demonstrated by a long-term lease, the permit will be conditioned to address transfer of control or proper abandonment of the permitted system at the end of the lease. Where control is demonstrated by a purchase and sale agreement, the permit will be conditioned to terminate if the transfer of ownership does not occur, and to prohibit construction until ownership is transferred to the permittee.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 24, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 15, 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 Podiatric Medicine**

RULE TITLE: Fee for Retired Status License

RULE NO.: 64B18-12.010

PURPOSE AND EFFECT: The Board proposes this rule amendment in order to implement Chapter 2005-62, L.O.F., relating to a retired status license fee.

SUMMARY: Fee for retired status license.

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: 461.005, 461.008(1) FS. Section 3, Chapter 2005-62, Laws of Florida.

LAW IMPLEMENTED: 461.008(1) FS., Section 3, Chapter 2005-62, Laws of Florida.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS:

64B18-12.010 Fee for Retired Status License.

The fee for a retired status license is \$50.00.

Specific Authority 461.005, 461.008(1) FS., Section 3, Chapter 2005-62, Laws of Florida. Law Implemented 461.008(1) FS., Section 3, Chapter 2005-62, Laws of Florida. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board for Podiatric Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board for Podiatric Medicine

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

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

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE TITLE: Financial Responsibility

RULE NO.: 64B18-14.0072

PURPOSE AND EFFECT: The Board proposes to increase the financial liability level a podiatric physician must maintain from \$50,000 to \$100,000.

SUMMARY: Financial Responsibility for professional liability coverage to be increased from \$50,000 to \$100,000.

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: 456.048, 461.005 FS.

LAW IMPLEMENTED: 456.048 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-14.0072 Financial Responsibility.

(1) Unless exempted by the Board pursuant to Section 456.048(2), F.S., a podiatric physician shall maintain Financial Responsibility to pay claims and costs ancillary thereto arising out of the rendering of or the failure to render medical care for services, and shall demonstrate such financial responsibility as a condition of licensure and at the time of licensure renewal and reactivation of license by one of the following methods:

(a) Obtaining and maintaining professional liability coverage in an amount not less than ~~\$100,000~~ ~~\$50,000~~ from an authorized insurer as defined under Section 624.09, F.S., from an eligible surplus lines insurer as defined under Section 626.914(2), F.S., from a risk retention group as defined under Section 627.942, F.S., from the Joint Underwriting Association established under Section 627.351(4), F.S., or through a plan of self-insurance as provided in Section 627.357, F.S.

(b) Establishing and maintaining an escrow account consisting of cash or securities eligible for deposit in accordance with Section 625.52, F.S., in an amount of not less than ~~\$100,00~~ ~~\$50,000~~.

(c) Obtaining and maintaining an unexpired, irrevocable letter of credit, established pursuant to Chapter 675, F.S., in an amount no less than ~~\$100,000~~ ~~\$50,000~~. The letter of credit shall be payable to the podiatric physician as beneficiary upon presentment of a final judgement indication liability and

awarding damages to be paid by the podiatric physician or upon presentment of a settlement agreement signed by all parties to such agreement when such final judgement or settlement is a result of a claim arising out of the rendering of or failure to render, medical care and services. Such letter of credit shall be nonassignable and nontransferable. Such letter of credit shall be issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States that has its principal place of business in this state or has a branch office which is authorized under the laws of this state or the United States to receive deposits in this state.

(2) No change.

This rule shall take effect April 1, 2006.

Specific Authority 456.048, 461.005 FS. Law Implemented 456.048 FS. History—New 2-27-94, Formerly 61F12-12.011, 59Z-12.009, Amended 1-4-96, Formerly 59Z-14.0072, Amended 4-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Podiatric Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 29, 2005

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE TITLES: RULE NOS.:  
Board Approval of Residency Programs 64B18-16.002  
Content of Residency Program – Reports 64B18-16.005

PURPOSE AND EFFECT: The Board proposes this rule amendment to Rule 64B18-16.002, F.A.C., to conform statutory references to Chapter 2005-98, Laws of Florida. The Board proposes this rule amendment to Rule 64B18-16.005, F.A.C., to implement Chapter 2005-98, Laws of Florida. The proposed rule changes reporting requirements for hospitals with podiatric residents to July 1 and conforms statutory references to the legislative changes.

SUMMARY: The proposed rule changes reporting requirements for hospitals with podiatric residents to July 1 and conforms statutory references to the legislative changes.

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: 461.005, 461.006, 461.014 FS.

LAW IMPLEMENTED: 461.014 FS., Chapter 2005-98, Laws of Florida.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-16.002 Board Approval of Residency Programs.

(1) Podiatric residency programs in this State must receive and maintain Board approval by applying for such approval from the Board, by submitting documentation to show compliance with Section Sections 461.014(1) and (2), Florida Statutes, and by on-going compliance with Section Sections 461.014(1), (2), (4) and (5) Florida Statutes. The Board is under no obligation to grant approval to any program which does not demonstrate compliance with Section Sections 461.014 (1) and (2), Florida Statutes.

(2) The Board will withdraw approval upon finding that a podiatric residency program has failed to comply with ~~either~~ Section 461.014(1), (2), (4) or (5) Florida Statutes.

(3) No change.

(4) When approval has been withdrawn, residents enrolled in the program on or before the date in which the final order is rendered or the Notice of Intention to Withdraw Approval becomes final, will not be approved for examination or licensure by the Board unless they comply with Section 461.014(2)(c)(3), Florida Statutes. Residents enrolled after the date on which the final order is rendered or the Notice of Intention to Withdraw Approval becomes final, will not be allowed to take the examination or be licensed.

Specific Authority 461.005, 461.006, 461.014 FS. Law Implemented 461.014 FS., Chapter 2005-98, Laws of Florida. History—New 11-24-80, Formerly 21T-16.02, 21T-16.002, 61F12-16.002, Amended 1-4-96, 6-17-96, Formerly 59Z-16.002, Amended \_\_\_\_\_.

64B18-16.005 Content of Residency Program – Reports.

On ~~January 1~~ and July 1 of each year, each Residency Program Director shall provide the following information to the Board:

(1) through (5) No change.

Specific Authority 461.005, 461.014(4) FS. Law Implemented 456.072(1)(j),(k),(l), 461.013(1)(g),(h),(i), 461.014 FS., Chapter 2005-98, Laws of Florida. History—New 11-24-80, Formerly 21T-16.005, 61F12-16.005, Amended 1-4-95, Formerly 59Z-16.005, Amended 12-2-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Podiatric Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 29, 2005

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE TITLE:

RULE NO.:

Continuing Education Required  
for License Renewal

64B18-17.001

PURPOSE AND EFFECT: The Board proposes this rule amendment to make explicit the requirement that licensees must provide documentation of completion of continuing education within thirty (30) days of request by the Department or Board.

SUMMARY: The amendment is to make explicit the requirement that licensees must provide documentation of completion of continuing education within thirty (30) days of request by the Department or Board.

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

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

SPECIFIC AUTHORITY: 456.013(6), 456.033, 461.005, 461.007(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 461.007 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-17.001 Continuing Education Required for License Renewal.

(1) through (8) No change.

(9) Licensees must submit verification of attendance at any required continuing education course(s) to the Board or the Department within thirty (30) days of a request for such documentation.

Specific Authority 456.013(6), 456.033, 461.005, 461.007(3) FS. Law Implemented 456.013(6), 456.033, 461.007 FS. History--New, 11-24-80, Formerly 2IT-17.01, Amended 10-14-86, 2-21-88, 5-16-89, Formerly 2IT-17.001, Amended 7-6-94, Formerly 61F12-17.001, Amended 1-1-96, 1-2-97, 6-1-97, Formerly 59Z-17.001, Amended 4-25-00, 9-27-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Podiatric Medicine

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE:

RULE NO.:

Application and Examination Fee for

Licensure by Examination; Review Fee 64B19-12.002

PURPOSE AND EFFECT: The Board proposes to amend the rule by changing the laws and rules examination fee to \$200.00.

SUMMARY: The laws and rules examination fee will change to \$200.00.

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: 456.013(2), 490.004(4), 490.005(1)(a) FS.

LAW IMPLEMENTED: 456.013(2), 456.017, 490.005(1)(a) 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: Kaye Howerton, Executive Director, Psychology Board, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.002 Application and Examination Fee for Licensure by Examination; Review Fee.

(1) through (2) No change.

(3) In addition to the application fee specified above, each applicant for certification for examination shall submit a ~~the~~ laws and rules examination fee of \$200~~\$0~~.00.

(4) through (5) No change.

Specific Authority 456.013(2), 490.004(4), 490.005(1)(a) FS. Law Implemented 456.013(2), 456.017, 490.005(1)(a) FS. History--New 2-22-82, Amended 7-2-84, Formerly 21U-12.02, Amended 11-21-88, 8-12-90, 1-16-92, Formerly 21U-12.002, Amended 10-12-93, 6-14-94, Formerly 61F13-12.002, Amended 1-7-96, 6-26-97, Formerly 59AA-12.002, Amended 12-3-98, 6-28-00, 8-8-01, 2-12-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2005



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

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Reexamination Fee

RULE NO.: 64B19-12.003

PURPOSE AND EFFECT: The Board proposes to amend the rule by changing the laws and rules reexamination fee to \$200.00.

SUMMARY: The laws and rules reexamination fee will change to \$200.00.

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: 456.017(2), 490.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(c),(2) 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: Kaye Howerton, Executive Director, Psychology Board, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.003 Reexamination Fee.

The reexamination fee for only the Florida laws and rules examination is ~~\$200~~ \$0.00. Additional fees will be required by the examination vendor.

Specific Authority 456.017(2), 490.004(4) FS. Law Implemented 456.017(1)(c),(2) FS. History--New 2-22-82, Amended 7-11-84, Formerly 21U-12.03, Amended 7-18-88, 8-12-90, 1-16-92, Formerly 21U-12.003, Amended 10-12-93, Formerly 61F13-12.003, Amended 1-7-96, Formerly 59AA-12.003, Amended 12-3-98, 1-10-01, 8-8-01, 2-12-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 29, 2005

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

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE TITLE: Application Fees

RULE NO.: 64B24-3.002

PURPOSE AND EFFECT: The Department of Health proposes to amend the rule based upon new legislation.

SUMMARY: This amendment establishes a \$50.00 non-refundable application fee for a retired status license for midwives.

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: 467.005, 467.0135 FS.

LAW IMPLEMENTED: 467.0135(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Bin #A06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-3.002 Application Fees.

(1) The application fee shall be \$200.

(2) The fee for a retired status license shall be \$50.00.

Specific Authority 467.005, 467.0135 FS. Law Implemented 467.0135(4) FS. History--New 1-26-94, Formerly 61E5-3.002, Amended 8-15-95, Formerly 59DD-3.002, Amended 12-23-97,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela King

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 15, 2005

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

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

RULE TITLES: Definitions

RULE NOS.: 64I-1.001

Services 64I-1.002

PURPOSE AND EFFECT: To place in rule definitions to implement Sections 381.739-381.79, F.S., and services specific to eligible applicants.

SUMMARY: Establishing eligibility and ineligibility for services provided by the Brain and Spinal Cord Injury Program in compliance with Sections 381.739-381.79, F.S.

STATEMENT OF ESTIMATED REGULATORY COSTS:  
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: 381.0011 FS.

LAW IMPLEMENTED: 381.76 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Stephanie Brown, Department of Health, 4052 Bald Cypress Way, Bin #C25, Tallahassee, Florida 32399-1744

THE FULL TEXT OF THE PROPOSED RULES IS:

64I-1.001 Definitions.

(1) Definitions for terms used in Sections 381.739-381.79, F.S., and this rule, consistent with Section 381.745, F.S.

(a) Appropriate Level of Functioning in the Community: Maintaining oneself in a community of one's informed choosing by performing all activities of daily living, independently, or with support, but without the need for services.

(b) External Trauma: A trauma from a source external to the body that causes the injury solely by the force of the trauma, not through an intervening biological process such as blood clot, blood loss, or lack of oxygen.

(c)(2) Legal Resident: A person who currently lives in Florida, has the present intent to remain in Florida indefinitely, and has lawful permanent presence in the United States of America.

(d) Medically Stable: The applicant's mental and physical health are sufficiently stable so that BSCIP can make a determination as to whether the applicant is otherwise eligible for the General Program.

(e) Moderate to Severe Brain Injury: Glasgow 12 and below or Rancho 8 and below.

(f) Reintegration into the Community: Maintaining oneself in a community by performing all activities of daily living, independently, or with support, but without the need for services.

(2) Additional definitions for terms used in this rule, consistent with Section 381.745, F.S.

(a) Applicant: A person requesting determination of eligibility for the General Program.

(b) Community: A location no more restrictive than an assisted living facility licensed under Chapter 400, Part III, F.S.

(c) Eligible Person: A person determined eligible for the General Program.

(d) General Program: The program for which eligibility is determined under Section 381.76, F.S.

(e) Glasgow Coma Scale Score (Glasgow): The neurological assessment developed by G. Teasdale and B. Jennitte in "Assessment of Coma and Impaired Consciousness: A Practical Scale," Lancet 1974; 22: 81-84. A copy of the Glasgow may be obtained from the Department of Health, Brain and Spinal Cord Injury Prevention Program, 4052 Bald Cypress Way, Bin C-25, Tallahassee, Florida 32399-1744 and which is incorporated herein by reference.

(f) Rancho Los Amigos Scale, revised (Rancho): A cognitive functioning scale to determine the level or severity of a brain injury based on observations of the patient's response to external stimuli. Original Scale co-authored by Chris Hagen, Ph.D., Danese Malkmus, M.A., Patricia Durham, M.A., Communication Disorders Service, Rancho Los Amigos Hospital, 1972. Revised 11/15/74 by Danese Malkmus, M.A., and Kathryn Stenderup, O.T.R. Revised scale 1997 by Chris Hagen. A copy of the Rancho may be obtained from the Department of Health, Brain and Spinal Cord Injury Prevention Program, 4052 Bald Cypress Way, Bin C-25, Tallahassee, Florida 32399-1744 and which is incorporated herein by reference.

(g) Services: Services provided by the General Program.

Specific Authority 381.0011 FS. Law Implemented 381.76 FS. History--New 5-9-05, Amended \_\_\_\_\_.

64I-1.002 Services.

(1) All Services must be directed specifically to an individual applicant or eligible person by prior authorization of BSCIP.

(2) Services can be delivered to an applicant only to the extent necessary to determine eligibility for the General Program; and does not include:

(a) Upgrading, replacement or maintenance of a durable medical device;

(b) Funding for consumables (those items for which the very act of using destroys their further use), except in support of services, and then only during a twenty four (24) month period beginning with the first time such funding is authorized;

(c) Change in circumstances not directly related to the applicant or eligible person's brain or spinal cord injury and capable of repetition throughout the life of the applicant or eligible person. Examples of changes in circumstances capable of repetition include moving to another location, obtaining a vehicle or, except in the case of a person below the age of eighteen, the loss of a caregiver; or

(d) Any that requires approval under federal law, such as human subject research.

(3) The applicant shall be determined ineligible for the General Program if the applicant:

(a) Is determined eligible for and has an approved individual plan for employment from the state vocational rehabilitation program funded under the Rehabilitation Act of 1973, as amended;

(b) Does not require services to achieve reintegration into the community;

(c) Is below Rancho 4 or otherwise is not reasonably expected to achieve reintegration into the community through services; or

(d) Is otherwise categorically ineligible under the statutory criteria.

(4) The eligible person's case shall be closed if the eligible person is:

(a) Determined eligible for and has an approved individual plan for employment from the state vocational rehabilitation program funded under the Rehabilitation Act of 1973, as amended, except that such case shall remain open solely for case management if such is required;

(b) Is at an appropriate level of functioning in the community; or

(c) Is not reasonably expected to return to an appropriate level of functioning in the community through services.

(5) Previous closure under paragraph (3)(b) or (4)(b) above does not prevent an individual from becoming an applicant.

Specific Authority 381.0011 FS. Law Implemented 381.76 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephanie Brown, Operations Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil E. Williams, Division Director

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 24, 2005

**FISH AND WILDLIFE CONSERVATION COMMISSION**

RULE CHAPTER TITLE: Reef Fish

RULE TITLES: RULE NOS.:

Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper 68B-14.0035

Size Limits for Importation and Sale 68B-14.00355

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

Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits 68B-14.0045

PURPOSE AND EFFECT: On August 1, 2005, the federal Gulf of Mexico Fishery Management Council and National Marine Fisheries Service imposed new regulations on vermilion snapper in Gulf federal (EEZ) waters adjacent to Florida. This species in the Gulf is considered overfished and undergoing overfishing and the changes are intended to rebuild the spawning stock. The purpose of these rule amendments is to conform state rules for the Gulf of Mexico to the new federal rules for vermilion snapper. The measures implemented are a 1-inch minimum size limit increase to 11 inches, imposition of a recreational bag limit of 10 vermilion snapper (not to be included in the 10-fish aggregate snapper bag limit), and a closed commercial season from April 22 through May 31. The effect will be to help rebuild vermilion snapper stocks by having uniform rules applicable in both state and federal waters.

SUMMARY: Paragraphs (7)(m) and (n) of Rule 68B-14.0035, F.A.C., are amended to increase the recreational and commercial minimum size limit for vermilion snapper in state waters of the Gulf of Mexico from 10 to 11 inches. Paragraph (1)(f) of Rule 68B-14.00355, F.A.C., is amended to increase the minimum size of vermilion snapper sold in Florida from 10 to 11 inches. Paragraph (1)(d) of Rule 68B-14.0036, F.A.C., is amended to impose a 10-fish daily bag limit for vermilion snapper harvested from the Gulf. A new paragraph (2)(i) is added in Rule 68B-14.0045, F.A.C., to provide a closed commercial season for vermilion snapper in the Gulf from April 22 through May 31 each year.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

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

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

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

SUBSTANTIALLY AFFECTED PERSONS MAY, WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper.

No person shall land, possess, unnecessarily destroy, purchase, exchange, sell or offer for sale any of the following species harvested in or from state waters, of a length less than set forth as follows:

- (1) through (6) No change.
- (7) Snapper (measured in terms of total length)
- (a) through (l) No change.
- (m) Vermilion snapper harvested recreationally 11 ~~10~~ inches.

(n)1. Vermilion snapper harvested commercially from the Atlantic Ocean 12 inches.

2. Vermilion snapper harvested commercially from the Gulf of Mexico 11 ~~10~~ inches.

- (o) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-31-98, Amended 3-1-99, Formerly 46-14.0035, Amended 1-1-00, 1-1-01, 1-1-01, 1-1-03, \_\_\_\_\_.

68B-14.00355 Size Limits for Importation and Sale.

(1) No person shall possess for purposes of sale, purchase, sell, or exchange any of the following species of a length less than set forth as follows:

- (a) through (e) No change.
- (f) Snapper (measured in terms of total length).
  1. Cubera snapper 12 inches.
  2. Dog snapper 12 inches.
  3. Gray (mangrove) snapper 12 inches.
  4. Lane snapper 8 inches.
  5. Mahogany snapper 12 inches.
  6. Mutton snapper 16 inches.
  7. Red snapper 15 inches.
  8. Schoolmaster snapper 10 inches.
  9. Vermilion snapper 11 ~~10~~ inches.
  10. Yellowtail snapper 12 inches.
- (2) through (4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-03, Amended \_\_\_\_\_.

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

- (1) Snapper.
  - (a) Aggregate bag limit. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than a total of 10 snapper per day, in any combination of species.
  - (b) through (c) No change.

(d) ~~1. Atlantic~~ Vermilion snapper. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters ~~of the Atlantic Ocean~~, nor possess while in or on state waters ~~of the Atlantic Ocean~~, more than 10

vermillion snapper per day. Such bag and possession shall not be counted for purposes of the aggregate snapper bag and possession limits prescribed in paragraph (a).

~~2. Gulf vermillion snapper. Vermilion snapper harvested in state waters of the Gulf of Mexico shall not be subject to nor counted for purposes of determining compliance with the bag and possession limits established in paragraph (a).~~

- (e) through (f) No change.
- (2) through (8) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-31-98, Amended 3-1-99, Formerly 46-14.0036, Amended 10-22-99, 1-1-00, 3-6-00, 3-1-01, 1-1-03, 1-3-05, \_\_\_\_\_.

68B-14.0045 Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits.

- (1) No change.
- (2) Season Closures.

(a) Persons harvesting any of the species listed in subsection 68B-14.001(2), F.A.C., for commercial purposes shall have a season that begins on January 1 and continues through December 31 each year.

(b) If at any time adjacent federal Exclusive Economic Zone (EEZ) waters are closed to commercial harvest of any of the species listed in subsection 68B-14.001(2), F.A.C., corresponding state waters shall also be closed to commercial harvest of the species affected by the federal closure, beginning from the date of such closure until federal waters are reopened to the commercial harvest of such species.

(c) During the period of any closure pursuant to paragraph (b), the harvest, possession, or landing in quantities greater than the bag limits specified in Rule 68B-14.0036, F.A.C., and the purchase, sale or exchange, of any species to which the closure applies, is prohibited.

(d) The closure specified in paragraph (b), and the prohibitions specified in paragraph (c), shall not apply when the species to which the closure applies is legally harvested outside the waters of the closed area. Any person possessing such species during the time period of a closure shall establish the chain of possession from the initial transaction after harvest, by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, to show that such species originated from a point outside the closed area. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute a violation of this subsection.

- (e) through (h) No change.

(i) During the period April 22 through May 31 of each year, no person harvesting for commercial purposes shall harvest in or from state waters of the Gulf of Mexico, nor possess while in or on state waters of the Gulf of Mexico, any vermillion snapper.

- (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-1-90, Amended 12-31-92, 10-18-93, 3-1-94, 6-15-95, 1-1-96, 11-27-96, 12-31-98, 3-1-99, Formerly 46-14.0045, Amended 1-1-00, 3-6-00, 1-1-01, 3-1-01, 6-1-01, 1-1-03, 7-15-04, 5-20-05, \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Format of Schedule	69I-5.003
Types of State Financial Assistance	69I-5.004
State Project Determination	69I-5.005
Recipient/Subrecipient and Vendor Relationships	69I-5.006
State Project Compliance Supplement	69I-5.007
Criteria for Major State Projects	69I-5.008
Criteria for Selecting State Projects for Audit Based on Inherent Risk	69I-5.009
Approval of Non-State Entity Conduits	69I-5.010

**PURPOSE AND EFFECT:** The purpose of the proposed rules is to implement the changes to the Florida Single Audit Act by Chapter 2005-152, Laws of Florida, effective July 1, 2005. The proposed rules will provide guidance to state awarding agencies, nonstate entities, and independent auditors of state financial assistance regarding the requirements of the Florida Single Audit Act.

**SUMMARY:** Rule 69I-5.003, F.A.C., is amended to delete a reference to the Governor’s Office. Rule 69I-5.004, F.A.C., categorizes the different types of state resources considered to be financial assistance to non-state entities to carry out state projects. Rule 69I-5.005, F.A.C., adopts forms to be used by state agencies to determine the applicability of the Florida Single Audit Act to a state program for inclusion in the Catalog of State Financial Assistance, to request a Catalog of State Financial Assistance number, and to annually certify the accuracy of state projects included in the Catalog of State Financial Assistance. Rule 69I-5.006, F.A.C., adopts forms to be used by state agencies to determine the applicability of the Florida Single Audit Act to non-state entities and includes standard contract language. Rule 69I-5.007, F.A.C., adopts a form to be used by state agencies to evaluate state projects to be included in the State Project Compliance Supplement. Rule 69I-5.008, F.A.C., sets forth criteria to be used by independent auditors in identifying major state projects. Rule 69I-5.009, F.A.C., sets forth criteria to be used by independent auditors in selecting state projects for audits based on inherent risk. Rule 69I-5.010, F.A.C., requires the Department’s approval of a non-state entity’s status as a conduit of state financial assistance.

**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:** 215.97 FS.

**LAW IMPLEMENTED:** 215.97 FS.

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

**TIME AND DATE:** 10:00 a.m., September 21, 2005

**PLACE:** Room 430, Fletcher Building, Tallahassee, Florida  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Shane Lewis, Bureau of Auditing, Room 448J, Fletcher Building, Tallahassee, Florida 32399-0355, (850)410-9310

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

69I-5.003 Format of Schedule.

(1) The Schedule of Expenditures of State Financial Assistance shall be included on the non-state entity’s Schedule of Expenditures of Federal Awards and State Financial Assistance. If a non-state entity does not receive federal financial assistance, a Schedule of Expenditures of State Financial Assistance shall be prepared. At a minimum, the Schedule of Expenditures of State Financial Assistance shall be prepared. At a minimum, the Schedule of Expenditures of State Financial Assistance shall:

- (a) List individual state projects by state agency, including identifying contract or grant number.
- (b) For state financial assistance received as a subrecipient, the name of the pass-through entity and identifying contract/grant number assigned by the pass-through entity.
- (c) Provide total state financial assistance expended for each individual state project and the CSFA number.
- (d) Provide total state financial assistance transferred to subrecipients for each state project.
- (e) Include as expenditures in the schedule, the value of state financial assistance expended in the form of non-cash assistance. The value of state non-cash assistance will be established in accordance with paragraph 69I-5.004(2)(c), F.A.C. ~~the rules of the Executive Office of the Governor.~~

(f) Include notes that describe the significant accounting policies used in preparing the schedule.

(2) The Schedule of Expenditures of Federal Awards and State Financial Assistance shall be in a format similar to the sample presented below:

NAME OF NONSTATE ENTITY SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS AND STATE FINANCIAL ASSISTANCE For the Fiscal Year Ended Month/Date/Year				
Federal/State Agency, Pass-through Entity, Federal Program/ State Project	CFDA CSFA	Contract/ Grant	Expenditures	Transfers to Subrecipients
FEDERAL AGENCY NAME	No.	No.	(in thousands)	(in thousands)
Direct Programs	XXXXX	XXXXX	XXXXX	XXXXX
Indirect Programs				
Passed through (insert name of entity)	XXXXX	XXXXX	XXXXX	XXXXX
TOTAL FEDERAL AGENCY			XXXXX	XXXXX
TOTAL EXPENDITURES OF FEDERAL AWARDS			XXXXX	XXXXX
STATE AGENCY NAME				
Direct Projects	XXXXX	XXXXX	XXXXX	XXXXX
Indirect Projects				
Passed through (insert name of entity)	XXXXX	XXXXX	XXXXX	XXXXX
TOTAL STATE AGENCY			XXXXX	XXXXX
TOTAL EXPENDITURES OF STATE FINANCIAL ASSISTANCE			XXXXX	XXXXX

\* denotes major programs/projects

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History--New 2-5-01, Formerly 3A-5.003, Amended \_\_\_\_\_.

69I-5.004 Types of State Financial Assistance.

(1) State financial assistance is financial assistance from state resources to non-state organizations to carry out a state project. It does not include federal financial assistance and state matching provided by state agencies for federal programs. State financial assistance shall be categorized by the following classes or types of financial assistance:

(a) Cooperative Agreements – Financial assistance transferred pursuant to written agreements between state agencies and recipients to carry out a public purpose. Cooperative agreements generally assume a substantial involvement between state agencies and recipients when carrying out the activities contemplated in the agreements.

(b) Direct Appropriations – Financial assistance appropriated to state agencies to be provided directly to specified non-state entities per legislative proviso to encourage or subsidize particular activities.

(c) Food Commodities – Financial assistance which provides for the sale or donation of food.

(d) Grants – Financial assistance transferred pursuant to written agreements between state agencies and recipients to carry out a public purpose. Generally, a substantial involvement is not expected between state agencies and recipients when carrying out the activities contemplated in the agreements.

(e) Insurance – Financial assistance provided to assure reimbursement for losses sustained under specified conditions.

(f) Investments – Financial assistance provided for investment in the development of particular activities or enterprises.

(g) Loans – Financial assistance provided through the lending of state monies for a specific period of time, with a reasonable expectation of repayment. Such loans may or may not require the payment of interest.

(h) Loan Guarantees – Financial assistance provided in which the state agency makes an arrangement to indemnify a lender against part or all of any defaults by those responsible for repayment of loans.

(i) Property – Financial assistance provided for the sale, exchange, or donation of state real property, personal property, commodities, and other goods including land, buildings, and equipment.

(j) Tax Credits – Financial assistance provided in the form of credits of state taxes for a public purpose authorized by state law.

(k) Tax Refunds – Financial assistance provided in the form of refunds of state taxes for a public purpose authorized by state law.

(2) The following provisions are to be used in determining state financial assistance expended.

(a) The determination of when state financial assistance is expended should be based on when the related activity occurs. Generally, the activity pertains to events that require the non-state organization to comply with laws, rules, and the provisions of contracts or grant agreements such as: expenditure/expense transactions associated with grants, cooperative agreements, and direct appropriations; the disbursement of funds passed through to subrecipients; the use of loan proceeds under loan and loan guarantee programs; the receipt of property or food commodities; the receipt of tax refunds; the application of tax credits against tax liabilities; and the period when insurance is in force.

(b) Loans and Loan guarantees. Since the state is at risk for loans until the debt is repaid, the value of the state financial assistance expended under loan programs should include the value of new loans made or received during the non-state organization's fiscal year; plus the balance of loans from previous years for which the state imposes continuing compliance requirements; plus any interest subsidy, cash, or administrative cost allowance received. Prior loans and loan guarantees, the proceeds of which were received and expended in prior years, are not considered state financial assistance expended when the laws, rules, and provisions of contracts or grant agreements pertaining to such loans impose no continuing compliance requirements other than to repay the loans.

(c) Property and Food Commodities. Non-cash assistance, such as property and food commodities are to be valued at either the fair market value at the time of receipt or the assessed value provided by the state agency.

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History--New \_\_\_\_\_.

69I-5.005 State Project Determination.

(1) State agencies shall use the Florida Single Audit Act State Project Determination Checklist (Form DFS-A2-PD) (Effective 7/05) to evaluate the applicability of the Florida Single Audit Act to a state program for inclusion in the Catalog of State Financial Assistance.

(2) State agencies shall submit the completed checklist to the Department of Financial Services, Bureau of Auditing, 200 E. Gaines Street, Tallahassee, Florida 32399-0355. If the state program has been determined to be a state project, the state agency shall also request a Catalog of State Financial Assistance number by completing and submitting to the Department an Agency Request Form for New CSFA Project Number (Form DFS-A2-AR) (Effective 7/05).

(3) The Department shall evaluate the request for a Catalog of State Financial Assistance number. If the request is approved, the Department shall add the state project to the Catalog of State Financial Assistance.

(4) State agencies shall annually be required to certify the accuracy and completeness of its state projects included in the Catalog of State Financial Assistance by completing and submitting the Catalog of State Financial Assistance Agency Certification (Form DFS-A2-AC) (Effective 7/05) to the Department.

(5) Copies of Forms DFS-A2-PD, DFS-A2-AR, DFS-A2-AC, which are hereby incorporated by reference, can be obtained at the Department's website at [www.fsa.state.fl.us](http://www.fsa.state.fl.us).

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History—New

69I-5.006 Recipient/Subrecipient and Vendor Relationships.

(1) State awards expended by a recipient/subrecipient are subject to audit under Section 215.97, Florida Statutes, the "Florida Single Audit Act". Procurement contracts used to buy goods and services from vendors are outside the scope of the Act.

(2) The Florida Single Audit Act Checklist for Non-State Organizations Recipient/Subrecipient vs. Vendor Determination (DFS-A2-NS) (Effective 7/05) shall be used to determine the applicability of the Florida Single Audit Act to non-state organizations. State agencies, recipients, and subrecipients that provide state financial assistance to non-state organizations shall complete this form and retain it in their records.

(3) Whenever a non-state organization is determined to be a recipient or subrecipient of state or federal financial assistance, the standard audit language contained on Form DFS-A2-CL (Effective 7/05) must be included in the document that establishes the State's, recipient's, or subrecipient's relationship with the non-state entity.

(4) Copies of Forms DFS-A2-NS and DFS-A2-CL, which are hereby incorporated by reference, may be obtained at the Department's website at [www.fsa.state.fl.us](http://www.fsa.state.fl.us).

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History—New

69I-5.007 State Project Compliance Supplement.

(1) State awarding agencies, in consultation with the Department, shall evaluate its state projects for inclusion in the State Project Compliance Supplement.

(2) State awarding agencies shall complete and submit to the Department the Agency Reporting Form for the State Projects Compliance Supplement (Form DFS-A2-CS) (Effective 7/05) for each state project to be included in the State Project Compliance Supplement.

(3) A copy of Form DFS-A2-CS, which is hereby incorporated by reference, may be obtained at the Department's website at [www.fsa.state.fl.us](http://www.fsa.state.fl.us).

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History—New

69I-5.008 Criteria for Identifying Major State Projects.

(1) The independent auditor shall use a risk-based approach to determine which state projects are major state projects. This risk-based approach shall include consideration of the amount of state project expenditures and the inherent risk of the state project. The process enumerated in subsections (2) through (6) shall be followed.

(2) The independent auditor shall identify the larger state projects as Type A Projects according to the following criteria:

(a) For auditees with expenditures of state awards between \$300,000 and \$1,000,000, Type A Projects are defined as the larger of \$100,000 or thirty percent (30%) of total state awards expended.

(b) For auditees with expenditures of state awards exceeding \$1,000,000, Type A Projects are defined as the larger of \$300,000 or three percent (3%) of total state awards expended.

(3) State projects not identified as Type A Projects shall be considered Type B Projects.

(4) The independent auditor shall identify Type A Projects which are low-risk. For a Type A Project to be considered low-risk, it should have been audited as a major state project in at least one of the two most recent audit periods and, in the most recent audit period, it should have had no reportable audit findings. The auditor shall consider the criteria enumerated in Rule 69I-5.009, F.A.C., the results of audit follow-up, and any significant changes in personnel or systems affecting a Type A Project, in applying professional judgment in determining whether a Type A Project is low-risk.

(5) The independent auditor shall identify Type B Projects which are high-risk. The auditor shall consider the criteria enumerated in Rule 69I-5.009, F.A.C., in applying professional judgment in determining whether a Type B Project is high-risk.

However, the independent auditor is not expected to perform risk assessments on relatively small state projects. Therefore, the auditor is only required to perform risk assessments on Type B Projects as follows:

(a) For auditees with expenditures of state awards of \$300,000 to \$1,000,000, risk assessments shall be required for Type B Projects that exceed the larger of \$50,000 or ten percent (10%) of total state awards expended.

(b) For auditees with expenditures of state awards that exceed \$1,000,000, risk assessments shall be required for Type B Projects that exceed the larger of \$100,000 or one percent (1%) of total state awards expended.

(6) At a minimum, the independent auditor shall audit all of the following as major projects:

(a) All Type A Projects, except the auditor may exclude any low-risk Type A Projects.

(b) At least one half of the Type B Projects identified as high-risk, except the auditor is not required to audit more high-risk Type B Projects than the number of low-risk Type A Projects; or one high-risk Type B Project for each low-risk Type A Project identified. The auditor is encouraged to use an approach which provides an opportunity for different high-risk Type B Projects to be audited as a major project over a period of time.

(c) Additional projects as may be necessary to provide audit coverage of at least fifty percent (50%) of the auditee's expenditures of state awards. Wherever practicable, additional projects should be selected in accordance with the criteria enumerated in Rule 69I-5.009, F.A.C.

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History—New

#### 69I-5.009 Criteria for Selecting State Projects for Audits Based on Inherent Risk.

(1) The independent auditor's selection of state projects for audit shall be based on an overall analysis and evaluation of the risk of noncompliance occurring which could be material to the state project. The auditor shall use professional judgment and consider criteria, such as described in subsections (2) through (4) below, to identify risk in state projects. Also, as part of the risk analysis, the auditor may wish to discuss a particular state project with auditee management and the awarding state agency.

(2) The independent auditor shall consider current and prior audit experience.

(a) Weakness in internal controls over state financial assistance would indicate higher risk. Consideration should be given to the control environment over state financial assistance and such factors as the expectation of management's adherence to applicable laws, rules, and contract/grant provisions, and the competence and experience of personnel who administer the state financial assistance project.

(b) Prior audit findings would indicate higher risk, particularly when situations identified in the audit finding could have a significant impact on state financial assistance or have not been corrected.

(c) State projects not recently audited as major state projects may be of higher risk than state projects recently audited as major state projects without audit findings.

(3) The independent auditor shall consider the extent of any oversight exercised by the state agencies and the results of any monitoring performed.

(4) When evaluating state projects, independent auditors shall consider the inherent risk of the project, which includes the following:

(a) The nature of the project. This includes, for example, a project's complexity, the presence of third parties, and the type of costs involved.

(b) The phase of the project in its life cycle at the state agency. A new project may not be as time-tested and, therefore, may present higher risk. The state agency's monitoring procedures may not yet be implemented or effectively in place. Significant changes in the program, laws, rules, or contracts or grant agreements may also increase risk.

(c) The phase of the project in its life cycle at the auditee. If a project is new to the auditee, there may be higher risk simply because a learning curve may be present. During the first and last years that an auditee participates in a state project, the risk may be higher due to start-up or closeout of program activities and staff.

(d) Type B Projects with larger expenditures. Projects with larger amounts of expenditures would be of higher risk than projects with substantially smaller expenditures.

(5) The independent auditor shall document in the working papers the risk analysis process used in determining major projects. State agencies may provide auditors guidance about the risk of a particular state project and the auditor shall consider this guidance in determining major projects in audits not yet substantially completed.

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History—New

#### 69I-5.010 Approval of Non-State Entity Conduits.

The state awarding agency and the Department must approve a non-state entity's status as a conduit of state financial assistance.

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Cheri Green, Bureau of Auditing

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Doug Darling, Director, Division of Accounting and Auditing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2005



DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 15, 2005

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE CHAPTER TITLE: Workers' Compensation Compliance
RULE CHAPTER NO.: 69L-6
RULE TITLES: Cancellation of Workers' Compensation Insurance by an Insurer
69L-6.008
Policy Information Electronic Filing Requirements for Insurers
69L-6.014
Definitions
69L-6.016

PURPOSE AND EFFECT: To repeal Rules 69L-6.008, 69L-6.014 and 69L-6.016, F.A.C. The proposed repeal of these rules is necessary as Rule Chapter 69L-56, effective 05/29/05, enhances and incorporates information found within the rules to be repealed, rendering the language and provisions in the rules to be repealed both duplicative and obsolete.

SUMMARY: Unnecessary language and provisions that are duplicative of other rules are being eliminated.

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.

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: 9:30 a.m., September 23, 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 RULES IS: Andrew Sabolic, 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 RULES IS:

69L-6.008 Cancellation of Workers' Compensation Insurance by an Insurer.

Specific Authority 440.185(7),(9), 440.42(3), 440.591, 440.593(5) FS. Law Implemented 440.185(7),(9), 440.42(3), 440.593 FS. History--New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.08, 12-28-97, 2-2-00, 3-5-02, Formerly 38F-6.008, 4L-6.008, Repealed.

69L-6.014 Policy Information Electronic Filing Requirements for Insurers.

Specific Authority 440.185(7),(9), 440.42(3), 440.591, 440.593 FS. Law Implemented 440.185(7),(9), 440.42(3), 440.593 FS. History--New 2-2-00, Amended 3-5-02, Formerly 38F-6.014, 4L-6.014, Amended 3-11-04, Repealed.

69L-6.016 Definitions.

Specific Authority 440.185(7), 440.42(3), 440.591, 440.593 FS. Law Implemented 440.185(7), 440.42(3), 440.593 FS. History--New 3-5-2002, Formerly 38-6.016, 4L-6.016, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Andrew Sabolic

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2005

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: Reporting Maximum Medical Improvement and Permanent Impairment
RULE NO.: 69L-7.603

PURPOSE AND EFFECT: The proposed repeal of Rule 69L-7.603, F.A.C., is deemed necessary, as said rule has been rendered duplicative and obsolete by Rule 69L-7.602, F.A.C. Rule 69L-7.602, F.A.C., created new reporting instructions and requirements for Workers' Compensation health care providers to utilize a form entitled, "Florida Workers' Compensation Uniform Medical Treatment/Status Reporting Form", DFS-F5-DWC-25, to report maximum medical improvement and permanent impairment information. The new form replaces the DWC-9a form, which was formally used to report this type of information.

SUMMARY: Unnecessary language and provisions that are duplicative of another rule are being eliminated.

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.

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: 9:30 a.m., September 30, 2005

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

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: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4229, (850)413-1600

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stephen Szypula, Property and Casualty Financial Oversight, Office of Insurance Regulation, e-mail: steve.szypula@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-7.603 Reporting Maximum Medical Improvement and Permanent Impairment.

69O-138.002 Financial, Rate, and Market Conduct Examination Reimbursement Expenses.

Specific Authority 440.15(3)(a)4., 440.185, 440.591 FS. Law Implemented 440.15(2),(3) FS. History--New 8-22-95, Amended 1-6-97, Formerly 38F-7.603, 4L-7.603, Repealed.

(1) This rule establishes rates and procedures for reimbursement to the Office for examination and per diem expenses for examinations conducted by Office employees pursuant to the provisions of Sections 624.316 and 624.3161, Florida Statutes.

NAME OF PERSON ORIGINATING PROPOSED RULE: Don Davis  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2005

(2) Examination and per diem charges will be computed beginning at the start of the examination of time the examiner reports for duty at the insurer to be examined and the examiner's active participation in the examination planning, and ending at the completion of the examination and or at the end of the examiner's active participation in the examination, whichever is earlier. Charges will also be assessed for actual travel days as certified by the Office.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: Financial, Rate, and Market Conduct

RULE NO.:

Examination Reimbursement Expenses 69O-138.002

PURPOSE, EFFECT AND SUMMARY: The rule being amended addresses reimbursement expenses for examinations; clarifying calculation of the number of days; clarifying the application of NAIC Examiners Handbook for certain personnel; and setting forth reimbursement amounts for other personnel.

(3) The daily examination fee for each financial examination employee or dual financial and market conduct examination employee shall be at the rates as published in the most current edition of the National Association of Insurance Commissioners Financial Condition Examiners Handbook Attachment B. The rates as published are applied as follows:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

(a) The Insurance Company Examiner rate is applied to our Financial Examiner/Analyst I positions and any other positions not specifically identified.

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.

(b) The Senior Insurance Examiner rate is applied to our Financial Examiner/Analyst II and Financial Specialist positions when such examiners are not in an examiner-in-charge role.

SPECIFIC AUTHORITY: 624.308(1) FS.

(c) The Insurance Examiner In-Charge rate is applied to any of our positions when such examiner is in the examiner-in-charge.

LAW IMPLEMENTED: 624.307(1), 624.316, 624.3161, 624.320 FS.

(d) The Administrative Examiner rate is applied to our Financial Examiner/Analyst Supervisor and any other positions that are in a supervisory capacity.

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):

In addition, the daily examination fee shall be \$232 \$206.00 for each market conduct examination employee and \$461 for each actuarial employee. The daily rates are applicable to for each day the employees are participating is on the examination site. In addition, each insurer shall pay to the Office an amount equal to 50% of the total examination fee for attendant administrative costs.

TIME AND DATE: 9:30 a.m., September 23, 2005

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

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

(4) The per diem and other travel charges shall be the maximum per diem charges contained in the most current version of the Office's Administrative Policy and Procedure 7-4 Attachment B, as revised 1/91, to section 8: Classification, Minimum Qualifications and Suggested Compensation for

~~Zone Examiners, in the Financial Examiners Handbook issued by the National Association of Insurance Commissioners, which is hereby adopted and incorporated by reference, or the actual per diem and shown on the examiner's expense voucher; whichever is higher. Other travel expenses will also be charged based on actual travel expenses incurred by the examiners.~~

~~(5) Each insurer will be billed on a monthly basis, based on the examiner's expense vouchers as submitted to the Office.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.316, 624.3161, 624.320 FS. History—New 3-30-92, Amended 12-27-92, Formerly 4-138.002, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephen Szypula, Property and Casualty Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 13, 2005

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: Healthy Lifestyle Rebate  
 RULE NO.: 690-149.0055  
 PURPOSE, EFFECT AND SUMMARY: To provide implementation of the healthy lifestyle rebate provisions enacted into law in 2005.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 627.410(6), 641.31(2), 641.36 FS.

LAW IMPLEMENTED: 624.307(1), 627.6402, 627.65626, 641.31(40) 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: 9:30 a.m., September 21, 2005  
 PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-149.0055 Healthy Lifestyle Rebate.

(1) Employer Group Coverage.

(a) All insurers and HMOs subject to the provisions of Section 627.65626 or 641.31(40), F.S., ~~and issuing small employer group health insurance coverage, where such coverage meets the standards of creditable coverage as defined in Section 627.6561(5), F.S.,~~ shall provide for a healthy lifestyle rebate.

(b)1. All insurers and HMOs providing a healthy lifestyle rebate shall file for approval the standards it will use for determining the level of rebate, i.e., between 0% and 10%, for different health status indicators, which shall include reduction in weight, body mass index, and smoking cessation.

2. The filed standards shall provide that the rebate is available and attainable by all policy or contract holders ~~employers~~ on a nondiscriminatory basis and be without regard to the health or claim status of the member or subscriber insured.

3. The filing of the standards shall address the method and timing of the determination and application of the rebate.

(c)1. For purposes of rate filings, the rebate made shall be accounted as a reduction to the earned premium and clearly identified in the filing.

2. Rate filings shall include the number of members or subscribers ~~employers~~ participating in the rebate program and the distribution of the policies or contracts by size of rebate earned.

(d) The insurer or HMO shall provide an appropriate rebate for maintenance or improvement of health status for any program offered by a policy or contract holder ~~an employer~~ as determined by agreed upon health status indicators.

(e) This rule shall be effective for all policies issued or renewed on or after ~~July January~~ 1, 2005 with the first rebate available ~~in January~~ 1, 2006.

(2) Individual Coverage.

(a) Any individual health insurance coverage subject to the provisions of Section 627.6402, F.S., and where such coverage meets the standards of creditable coverage as defined in Section 627.6561(5), F.S., may shall provide for a healthy lifestyle rebate.

(b)1. All insurers that provide for a healthy lifestyle rebate shall file for approval the standards it will use for determining the level of rebate, i.e., between 0% and 10%, for different health status indicators, which shall include reduction in weight, body mass index, and smoking cessation.

2. The filed standards shall provide that the rebate is available and attainable by all insureds on a nondiscriminatory basis and be without regard to the health or claim status of the insured.

3. The filing of the standards shall address the method and timing of the determination and application of the rebate.

(c)1. For purposes of rate filings, the rebate made shall be accounted as a reduction to the earned premium and clearly identified in the filing.

2. Rate filings shall include the number of policies participating in the rebate program and the distribution of the policies by size of rebate earned.

(d) The insurer shall provide an appropriate rebate for maintenance or improvement of health status for any program approved by the insurer as determined by agreed upon health status indicators.

(e) This rule shall be effective for all policies issued or renewed on or after ~~July January~~ 1, 2005 with the first rebate available ~~in January 1~~, 2006.

Specific Authority 624.308(1), 627.410(6), 641.31(2), 641.36 FS. Law Implemented 624.307(1), 627.6402, 627.65626, 641.31(40) FS. History—New 3-24-05, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Actuary, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2005

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: Healthy Lifestyle Rebate

RULE NO.: 690-191.0545

PURPOSE, EFFECT AND SUMMARY: To provide implementation of the healthy lifestyle rebate provisions enacted into law in 2005.

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: 641.36, 641.31(2) FS.

LAW IMPLEMENTED: 641.31(40) 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: 9:30 a.m., September 21, 2005

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-191.0545 Healthy Lifestyle Rebate.

(1) ~~Employee~~ Group Coverage is as provided by subsection 690-149.0055(1), F.A.C.

(2) Individual Coverage.

(a)1. All HMOs that provide for a healthy lifestyle rebate shall file for approval the standards it will use for determining the level of rebate, i.e., between 0% and 10%, for different health status indicators, which shall include reduction in weight, body mass index, and smoking cessation.

2. The filed standards shall provide that the rebate is available and attainable by all subscribers on a nondiscriminatory basis and be without regard to the health or claim status of the subscriber insured.

3. The filing of the standards shall address the method and timing of the determination and application of the rebate.

(b)1. For purposes of rate filings, the rebate made shall be accounted as a reduction to the earned premium and clearly identified in the filing.

2. Rate filings shall include the number of contracts participating in the rebate program and the distribution of the contracts by size of rebate earned.

(c) The HMO shall provide an appropriate rebate for maintenance or improvement of health status for any program approved by the HMO as determined by agreed upon health status indicators.

(d) This rule shall be effective for all contracts issued or renewed on or after ~~July January~~ 1, 2005 with the first rebate available ~~in January 1~~, 2006.

Specific Authority 641.36, 641.31(2) FS. Law Implemented 641.31(40) FS., [HB 1629] History—New 3-24-05, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Actuary, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2005

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

**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 MANAGEMENT SERVICES**

**Division of Retirement**

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

**NOTICE OF CHANGE**

Notice is hereby given that in accordance with subparagraph 120.54(3)(d), F.S., the following changes have been to the proposed rules, originally published December 10, 2004, in Vol. 30, No. 50, of the Florida Administrative Weekly. As provided in Section 120.54(3)(e)6., Florida Statutes, the adoption of the rule was postponed to accommodate further review.

The changes have been made in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Clifford, Senior Benefits Analyst, Division of Retirement, P. O. Box 9000, Tallahassee, Florida 32315-9000, (850)414-6345, (850)488-5540

In the original notice, the lead-in sentence to Rule 60S-9.001, F.A.C., was omitted. That sentence reads:

60S-9.001 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with public, which are hereby incorporated by reference into these rules. A copy of these forms may be obtained by writing to the Division of Retirement, P. O. Box 9000, Tallahassee, Florida 32315-9000, or by calling (850)488-5540 Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560.

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

FORM NO. REVISION DATE TITLE/DESCRIPTION

- 1.(a) BEN-001 (6/04) (Rev. 7/00)  
Florida Retirement System Pension Plan Beneficiary Designation Form Active Members Only – a one-page form.
- 2.(b) FRS-400 (Rev. 4/00)  
Florida Retirement System – Application for Special Risk Membership Law Enforcement/Correctional Officers – a one-page form.
- 3.(e) FRS-401 (Rev. 7/99)  
Florida Retirement System – Special Risk Credit for Past Service – a one-page form
- 4.(d) FRS-402 (Rev. 10/01).  
Florida Retirement System – Application for Special Risk Equivalent Credit – a one-page form.
- 5.(e) FRS-404 (Rev. 11/02) (8/99)  
Florida Retirement System – Application for Special Risk Administrative Support Class – a one-page form.
- 6.(f) FRS-405 (Rev.10/03) (Rev. 10/01)  
Florida Retirement System – Application for Special Risk Membership Firefighters/Paramedics/EMTs – a one-page form.
- 7.(g) ERQ-1 (Rev. 8/99)  
Florida Retirement System Employment Relationship Questionnaire – a three-page form.
- 8.(h) BLE-1 (8/99).  
Florida Retirement System – Ballot for Member of an Existing Retirement System – a one-page form.
- (i) SMS 3 (Rev. 8/99)  
~~SMSC Ballot/Enrollment Form for Local Agency Employees.~~
- 9.(j) SMSD-1 (Rev. 8/00)  
Florida Retirement System – Senior Management Service Class Designated Position Form – a two page document consisting of one page of information and a one-page form.
- (k) EOC-1 (Rev. 8/01)  
~~Ballot Form for Employees of Elected Officers' Class~~
- (l) OCC 1 (Rev. 7/99)  
~~Ballot/Enrollment Form for Community Colleges Optional Retirement Program Employees~~
- (b) State Board of Administration – Enrollment and Election forms.

FORM NO./REVISION DATE	TITLE
1.	<u>OCC-1 (07/04)</u> <u>Community College Optional Retirement Program (CCORP) Retirement Plan Choice Form for Eligible Employees</u>
2.	<u>OCC-2 (11/04)</u>

- Retirement Plan Conversion Form for Community College Optional Retirement Program (CCORP) Members
3. SMS-1 (Rev. 07/04)  
State Senior Management Service Employees Retirement Plan Enrollment Form
4. SMS-3 (Rev 07/04)  
Local Senior Management Service Employees Retirement Plan Enrollment Form
5. EOC-1 (Rev. 07/04).  
Elected Officers' Class Employees Retirement Plan Enrollment Form
- (2) Bureau of Retirement Calculations.
- | FORM NO./REVISION DATE  | TITLE/DESCRIPTION  |
|---|--|
| (a) FR-9 ( <del>Rev. 6/04</del> ) ( <del>Rev. 9/01</del> )    | <u>Florida Retirement System Pension Plan Information Request – a one-page form.</u>   |
| (b) FR-11 ( <del>Rev. 6/04</del> ) ( <del>Rev. 11/01</del> )  | <u>Florida Retirement System Pension Plan – Application for Service Retirement – a two-page document consisting of one page of instruction and a one-page form.</u>  |
| (c) SR-11 (Rev. 5/87)   | <u>SCOERS Application for Service Retirement – a two-page document consisting of one page of instruction and a one-page form.</u>  |
| (d) TR-11 ( <del>Rev. 7/99</del> ) ( <del>Rev. 9/92</del> )   | <u>Teachers' Retirement System Application for Service Retirement – a two-page document consisting of one page of instruction and a one-page form.</u>   |
| (e) FR-28 ( <del>Rev. 6/04</del> ) ( <del>Rev. 7/99</del> )   | <u>Division of Retirement Pension Plan Application to Purchase Retirement Credit for a Pension Plan Leave of Absence – a two-page document consisting of one page of instruction and a one-page form.</u>                              |
| (f) MF-1 ( <del>Rev. 7/04</del> ) ( <del>Rev. 7/00</del> )    | <u>Florida Retirement System Pension Plan – Statement of Military Eligibility – a two page document consisting of one page of instruction and a one-page form.</u>   |
| (g) TR-4 ( <del>Rev. 4/99</del> ) ( <del>Rev. 11/83</del> )   | <u>Florida Retirement System – Verification of Out-Of-State Teaching Service – a two-page document consisting of one page of instruction and a one-page form.</u>  |
| (h) OSE-1 (Rev. 7/99)   | <u>Florida Retirement System – Eligibility for In-State or Out-Of-State Service – a one-page form.</u>   |
| (i) WC-1 (Rev. 7/99)  | <u>Florida Retirement System – Certification of Workers' Compensation – a one-page form.</u>   |
| (j) FC-1 ( <del>Rev. 7/04</del> ) ( <del>Rev. 11/01</del> )   | <u>Florida Retirement System Pension Plan – Salary Certification – a two-page document consisting of one page of instruction and a one – page form.</u>  |
| (k) MF-2 ( <del>Rev. 7/04</del> ) ( <del>7/99</del> )         | <u>Florida Retirement System Pension Plan Statement of Military Eligibility to Purchase Military Service Under the Out-of-State Provisions of Section 121.1115, F.S. – a one-page form.</u>  |
| (l) FR-23 ( <del>Rev. 05/05</del> ) ( <del>Rev. 7/99</del> )  | <u>Florida Retirement System Pension Plan Notification of Reemployment for Suspension of Retirement Benefits – a one-page form.</u>  |
| (m) FR-23a ( <del>Rev. 05/05</del> ) ( <del>Rev. 7/99</del> ) | <u>Florida Retirement System Pension Plan Application to Reactivate Retirement Benefits – a one-page form.</u>   |
| (n) FR-30 ( <del>Rev. 7/04</del> ) ( <del>Rev. 7/99</del> )   | <u>Florida Retirement System Pension Plan Verification for In-State or Out-of-State Service Credit – a three-page document consisting of one page of instruction and a two-page form.</u>  |
| (o) FR-30a ( <del>Rev. 7/04</del> ) ( <del>7/99</del> )       | <u>Florida Retirement System Pension Plan Out-of-State Employer Request – a one-page form.</u>   |
| (p) FRS-11o ( <del>Rev. 7/04</del> ) ( <del>Rev. 7/99</del> ) | <u>Florida Retirement System Pension Plan Option Selection for FRS Members – a one-page form.</u>  |
| (q) FST-11o ( <del>Rev. 7/04</del> ) ( <del>7/99</del> )      | <u>Florida Retirement System Pension Plan Option Selection for TRS and SCOERS Members – a one-page form.</u>   |
| (r) DP-ELE ( <del>Rev. 7/04</del> ) ( <del>Rev. 9/01</del> )  | <u>Florida Retirement System Pension Plan Notice of Election to Participate in the Deferred Retirement Option Program (DROP) and Resignation of Employment – a two-page document with one page of instruction and a one page form.</u> |
| (s) DP-11 ( <del>Rev. 7/04</del> ) ( <del>Rev. 9/01</del> )   | <u>Florida Retirement System Pension Plan Application for Service Retirement and the Deferred Retirement Option Program (DROP) – a three-page form consisting of two pages of instruction and a one page form.</u>                     |
| (t) DT-11 (Rev. 9/01)   | <u>Teachers' Retirement System Application for Service Retirement and the Deferred Retirement Option Program (DROP) – a three page document consisting of two pages of information and a one-page form.</u>                            |

- (u) DS-11 (Rev. 7/99)  
State and County Officers' and Employees' Retirement System Application for Service Retirement and the Deferred Retirement Option Program (DROP) – a three page document consisting of two pages of information and a one-page form.
- (v) DP-EXT (05/05)  
Florida Retirement System Pension Plan Extension of Deferred Retirement Option Program (DROP) for Specified K-12 Instructional Personnel – a one page form.
- (w) PRO-1 (12/02)  
Florida Retirement System Pension Plan (401(a) Plan) Pretax Direct Rollover/Transfer Form – a one-page form.
- (x) HIS-IP (7/04)  
Florida Retirement System (FRS) Application for Health Insurance Subsidy for Investment Plan Members – a two-page document consisting of one page of instruction and a one-page form.
- (y) HIS IP-2 (7/04)  
Florida Retirement System Health Insurance Subsidy Certification for Investment Plan Members – a one-page form.
- (z) SA-1 (5/00)  
Division of Retirement Spousal Acknowledgement – a one-page form.
- (3) Bureau of Benefit Payments.
- (a) FR-13 (Rev. 02/04) ~~(Rev. 8/00)~~  
Florida Retirement System Pension Plan FRS Application for Disability Retirement – a four-page document consisting of 2 pages of instruction and a two-page form.
- (b) FR-13a (Rev. 7/99)  
Florida Retirement System Statement of Disability by Employer – a two-page form.
- (c) FR-13b (Rev. 7/99)  
Florida Retirement System Physician's Report of Disability – a two-page form.
- (d) TR-13 (Rev. 10/86)  
TRS Application for Disability Retirement – a one-page form.
- (e) TR-13a (Rev. 10/86)  
Member's Statement of Disability – a one-page form.
- (f) TR-13b (Rev. 10/86)  
Physician's Report of Disability – a one-page form.
- (g) SR-13 (Rev. 9/71)  
SCOERS Application for Disability Retirement – a one-page form.
- (h) SR-13a (Rev. 9/71)  
SCOERS Member's Statement of Disability) – a one-page form.
- (i) SR-13b (Rev. 9/71)  
SCOERS Physician's Report of Disability – a one-page form.
- (j) FR-13e (Rev. 7/99)  
FRS Retiree's Report of Continuing Disability – a two-page form.
- (k) FR-13f (Rev. 7/99)  
FRS Physician's Report of Reexamination – a two-page form.
- (l) TR-13e (Rev. 2/88)  
TRS Retiree's Report of Continuing Disability – a four page form.
- (m) TR-13f (Rev. 7/81)  
TRS Physician's Report of Reexamination – a four-page form.
- (n) SR-13e (10/86)  
SCOERS Retiree's Report of Continuing Disability – a four-page form.
- (o) SR-13f (Rev. 7/81)  
SCOERS Physician's Report of Reexamination – a four-page form.
- (p) FRS-M81 (Rev. 7/01)  
Florida Retirement System Request for Refund – a one page form.
- (q) HIS-1 (Rev. 7/02) ~~(Rev. 7/01)~~  
Florida Retirement System Health Insurance Subsidy Certification Form – a two-page document consisting of one page of instruction and a one-page form.
- (r) FST-12 (Rev. 12/02) ~~(Rev. 7/99)~~  
Florida Retirement System Pension Plan Beneficiary Designation Form (Retired Members Only) – a one-page form.
- (s) JA-1 (Rev. 12/02) ~~(Rev. 7/99)~~  
Florida Retirement System Pension Plan Change of Joint Annuitant Form (Retired Members Only) – a one-page form.
- (t) AAPS (Rev. 8/00)  
Affidavit Attesting to Payee Status Military Eligibility – a one-page form.
- (u) FST-11b (Rev. 12/02) ~~(Rev. 7/99)~~  
Florida Retirement System Pension Plan Application of Beneficiary for Monthly Retirement Benefits – a one-page form.
- (v) FST-11g (Rev. 12/02) ~~(Rev. 7/99)~~  
Florida Retirement System Pension Plan Application of Beneficiary for Benefit Payment Refund – a one-page form.

- (w) TR-11c ~~(Rev. 12/02)~~ ~~(Rev. 7/99)~~  
Teachers Retirement System Application for Survivor Benefits – a two-page document consisting of one page of instruction and a one page form.
- (x) SRF-2 (Rev. 7/99)  
Student Report Form – a one-page form.
- (y) SRF-3 (Rev. 7/99)  
Florida Retirement System Authorization for Release of Information – a one-page form.
- (z) SVF-1 (Rev. 7/99)  
Florida Retirement System Student Verification of Enrollment by Institution – a one-page form.
- (aa) SVF-2 (Rev. 7/99)  
Florida Retirement System Affidavit Attesting to Eligibility – a one-page form.
- (bb) DIS-1 ~~(Rev. 12/02)~~ ~~(Rev. 5/00)~~  
Florida Retirement System Pension Plan Disclaimer of Benefits – a two-page document consisting of one page of instruction and a one page form.
- (cc) JA-NUL (Rev. 7/99)  
Florida Retirement System Joint Annuitant Nullification Form – a one-page form.
- (dd) FR-30b (Rev. 7/99)  
Florida Retirement System Verification for In-State or Out-of-State Service Credit – a two-page form.
- (ee) DP-TERM (Rev. 8/01)  
Florida Retirement System Deferred Retirement Option Program (DROP) Termination Notification – a one-page form.
- (ff) DP-PAYT (Rev. 10/01)  
Florida Retirement System Deferred Retirement Option Program (DROP) Selected Payout Method – a one-page form.
- (gg) DP-JOINT (Rev. 9/99)  
Florida Retirement System Deferred Retirement Option Program (DROP) Joint Annuitant Verification – a one-page form.
- (hh) Rollover (Rev. 7/01)  
Florida Retirement System Direct Rollover Election Form – a one-page form.
- (ii) DP-12 ~~(Rev. 09/02)~~ ~~(5/00)~~  
Florida Retirement System Pension Plan Beneficiary Designation Form for the Alternate Payee of a DROP Participant – a one-page form.
- (jj) SB-13b (Rev. 3/01)  
SCOERS Physician’s Report – a two-page form.
- (kk) FST-11so2 ~~(Rev. 12/02)~~ ~~(2/00)~~  
Florida Retirement System Application for Survivor Benefits – a one-page form.
- (ll) DP-TEOC (9/01)  
Florida Retirement System Deferred Retirement Option Program (DROP) Elected Officers’ Termination Notification – a one-page form.
- (mm) DROLL (1/02)  
Beneficiary Direct Rollover Election Form – a one-page form.
- (nn) DIS-2 (8/03)  
Florida Retirement System Pension Plan Disclaimer of Benefits – a two-page document consisting of one page of instruction and a one-page form.
- (oo) DIS-3 (8/03)  
Florida Retirement System Pension Plan Disclaimer of Benefits – a two-page document consisting of one page of instruction and a one-page form.
- (pp) DP-VOID (4/03)  
Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Void Form – a one-page form.
- (qq) SRA-1 Rev. (7/04)  
Florida Retirement System Pension Plan Service Retirement Agreement – a one-page form.
- (rr) DP-EXT (05/05)  
Florida Retirement System Pension Plan Extension of Deferred Retirement Option Program (DROP) for Specified K-12 Instructional Personnel – a one-page form.
- (ss) PR-13 (7/04)  
Florida Retirement System Investment Plan Application for Disability Retirement – a four-page form consisting of two pages of instruction and a two page form.
- (tt) PR-11o (7/04)  
Florida Retirement System Investment Plan Option Selection for FRS Members – a one-page form.
- (4) Administration.
- (a) SAPS ~~(Rev. 10/02)~~ ~~(8/00)~~  
Florida Retirement System Statement Attesting to Payee Status – a one-page form.

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



**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 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: RULE NO.:

Instant Game Number 627,  
SUPER MONOPOLY® GAME 53ER05-65

SUMMARY OF THE RULE: Instant Game Number 627, “SUPER MONOPOLY® GAME,” will be sold by Florida Lottery retailers on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the estimated number and size of prizes in the game.

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:

53ER05-65 Instant Game Number 627, SUPER MONOPOLY® GAME.

(1) Name of Game. Instant Game Number 627, “SUPER MONOPOLY® GAME.”

(2) Price. SUPER MONOPOLY® GAME tickets sell for \$5.00 per ticket.

(3) SUPER MONOPOLY® GAME lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning SUPER MONOPOLY® GAME lottery ticket, the ticket must meet the applicable requirements of Rule 53ER05-60, F.A.C.

(4) The “YOUR HOUSE NUMBERS” play symbols and play symbol captions are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN	
<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>GO</b>	<b>H</b>
ELEVN	TWELV	THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN	NINTN	WIN	DOUBLE

(5) The “HOTEL NUMBERS” play symbols and play symbol captions are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	
ELEVN	TWELV	THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN	NINTN	

(6) The prize symbols and prize symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$5.00</b>	<b>\$10.00</b>	<b>\$15.00</b>	<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>
TICKET	ONE	TWO	FIVE	TEN	FIFTEEN	TWY FIV	FIFTY	ONE HUN
<b>\$200</b>	<b>\$500</b>	<b>\$1,000</b>	<b>\$5,000</b>	<b>\$10,000</b>	<b>\$100,000</b>			
TWO HUN	FIVE HUN	ONE THO	FIV THO	TEN THO	ONE HUN THO			

(7) The legends are as follows:

HOTEL NUMBERS YOUR HOUSE NUMBERS

(8) Determination of Prize Winners.

(a) A ticket having a number in the “YOUR HOUSE NUMBERS” play area that matches any number in the “HOTEL NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to fifteen matching sets of numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$100, \$200, \$500, \$1,000, \$5,000, \$10,000, and \$100,000. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$5.00 instant ticket or any combination of instant and on-line tickets that totals \$5.00, except as follows. A person who submits by mail a SUPER MONOPOLY® GAME lottery ticket which entitles the claimant to a prize of a \$5.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$5.00 in lieu of an actual ticket.

(b) A ticket having a “train” symbol in the “YOUR HOUSE NUMBERS” play area shall entitle the claimant to double the corresponding prize shown.

(c) A ticket having a “GO” symbol in the “YOUR HOUSE NUMBERS” play area shall entitle the claimant to a prize of \$200.

(9) Number and Size of Prizes. The estimated odds of winning, value, and number of prizes in Instant Game Number 627 are as follows:

GAME PLAY TICKET	WIN \$5 TICKET	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 120,000 TICKETS PER POOL
\$1 x 5	\$5	60.00	84,000
(\$1 x 3) + \$2	\$5	120.00	42,000
\$1 + \$2 (D)	\$5	30.00	168,000
\$5	\$5	30.00	168,000
\$1 x 10	\$10	30.00	168,000
\$5 (D)	\$10	60.00	84,000
(\$1 x 4) + (\$2 x 3)	\$10	60.00	84,000
\$1 + (\$2 x 2) + \$5	\$10	80.00	63,000
\$10	\$10	240.00	21,000
\$1 x 15	\$15	60.00	84,000
\$5 x 3	\$15	120.00	42,000
\$5 + \$10	\$15	120.00	42,000
\$5 x 5	\$25	400.00	12,600
(\$5 x 3) + \$10	\$25	400.00	12,600
(\$2 x 10) + \$5	\$25	240.00	21,000
(\$1 x 10) + (\$5 x 3)	\$25	400.00	12,600
(\$1 x 5) + (\$2 x 5) + (\$5 x 2)	\$25	400.00	12,600
\$5 + \$10 (D)	\$25	400.00	12,600
\$50	\$50	181.00	27,846
(\$5 x 5) + (\$10 x 5)	\$75	8,000.00	630
\$5 + (\$10 x 7)	\$75	8,000.00	630
\$5 x 15	\$75	8,000.00	630
(\$1 x 5) + (\$2 x 5) + \$5 (D) + \$10 (D) + \$15 (D)	\$75	8,000.00	630
(\$10 x 5) + \$25	\$75	4,800.00	1,050
\$50 (D)	\$100	6,000.00	840
\$10 + (\$15 x 6)	\$100	6,000.00	840
\$10 x 10	\$100	6,000.00	840
\$25 x 4	\$100	6,000.00	840
AUTOWIN SYMBOL (GO)	\$200	6,000.00	840
\$50 x 10	\$500	336,000.00	15
(\$100 x 3) + AUTOWIN SYMBOL (GO)	\$500	336,000.00	15
(\$25 x 8) + (\$50 x 6)	\$500	336,000.00	15
\$100 x 10	\$1,000	504,000.00	10
(\$50 x 10) + (\$100 x 5)	\$1,000	504,000.00	10
(\$50 x 10) + (\$100 x 3) + AUTOWIN SYMBOL (GO)	\$1,000	504,000.00	10
\$500 (D)	\$1,000	504,000.00	10
\$1,000	\$1,000	504,000.00	10
\$1,000 x 10	\$10,000	2,520,000.00	2
\$5,000 (D)	\$10,000	2,520,000.00	2
\$10,000	\$10,000	2,520,000.00	2
\$100,000	\$100,000	2,520,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 627 are 1 in 2.68.

(11) For reorders of Instant Game Number 627, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a SUPER MONOPOLY® GAME lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for SUPER MONOPOLY® GAME lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 8-10-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 10, 2005

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 605, WINNING SCORE  
 RULE NO.: 53ER05-66

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 605, “WINNING SCORE,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-66 Instant Game Number 605, WINNING SCORE.

(1) Name of Game. Instant Game Number 605, “WINNING SCORE.”

(2) Price. WINNING SCORE lottery tickets sell for \$1.00 per ticket.

(3) WINNING SCORE lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning JACKPOT lottery ticket, the ticket must meet the applicable requirements of Rule 53ER05-60, F.A.C.

(4) The “YOUR SCORE” play symbols and play symbol captions are as follows:

<b>3</b>	<b>7</b>	<b>9</b>	<b>10</b>	<b>12</b>	<b>13</b>
THREE	SEVEN	NINE	TEN	TWELV	THRTN
<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>20</b>	<b>24</b>
FORTN	FIFTN	SIXTN	SVNTN	TWENTY	THYFOR
<b>27</b>	<b>28</b>				
THYSVN	THYEGT				

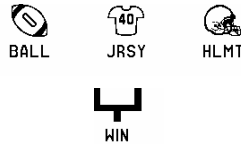
(5) The “VISITOR’S SCORE” play symbols and play symbol captions are as follows:

<b>2</b>	<b>3</b>	<b>7</b>	<b>9</b>	<b>10</b>	<b>12</b>
TWO	THREE	SEVEN	NINE	TEN	TWELV
<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>20</b>
THRTN	FORTN	FIFTN	SIXTN	SVNTN	TWENTY
<b>24</b>	<b>27</b>				
THYFOR	THYSVN				

(6) The prize symbols and prize symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$4.00</b>	<b>\$5.00</b>	<b>\$10.00</b>
TICKET	ONE	TWO	FOUR	FIVE	TEN
<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$400</b>	<b>\$2,000</b>	
THY FIV	FIFTY	ONE HUN	FOR HUN	TWO THO	

(7) The "EXTRA POINT" play symbols and play symbol captions are as follows:



(8) The legends are as follows:

		QTR
		1
YOUR	VISITOR'S	QTR
SCORE	SCORE	2
		QTR
		3
PRIZE	EXTRA	QTR
	POINT	4

(9) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR SCORE" play area in one quarter that beats the number in the "VISITOR'S SCORE" play area in the same quarter shall entitle the claimant to the corresponding prize shown for that quarter. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$400 and \$2,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a WINNING SCORE lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.



(b) A ticket having a "WIN" symbol in the "EXTRA POINT" play area shall entitle the claimant to a prize of \$25.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 605 are as follows:

GAME PLAY: TICKET	WIN: \$1 TICKET	ODDS OF 1 IN:	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL:
\$1	\$1	10.00	1,008,000
\$2	\$2	15.00	672,000
\$4	\$4	25.00	403,200
\$1 x 4	\$4	100.00	100,800
\$1 + (\$2 x 2)	\$5	75.00	134,400
\$5	\$5	75.00	134,400
(\$2 x 3) + \$4	\$10	300.00	33,600
\$10	\$10	300.00	33,600
(\$5 x 3) + \$10	\$25	7,200.00	1,400
\$5 + (\$10 x 2)	\$25	7,200.00	1,400
\$25 "BONUS BOX: (GOAL POST)"	\$25	327.27	30,800
\$5 + (\$10 x 2) + \$25	\$50	3,600.00	2,800
\$25 x 2	\$50	3,600.00	2,800
\$50	\$50	3,600.00	2,800
\$25 x 4	\$100	45,000.00	224
\$50 x 2	\$100	45,000.00	224
\$100	\$100	90,000.00	112
\$400	\$400	180,000.00	56
\$2,000	\$2,000	720,000.00	14

(11) The estimated overall odds of winning some prize in Instant Game Number 605 are 1 in 3.93. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Instant Game Number 605, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) By purchasing a WINNING SCORE lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(14) Payment of prizes for WINNING SCORE lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 8-10-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: August 10, 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 COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on August 12, 2005, from Washington County. The petitioner seeks a waiver of Rule 9B-43.006, F.A.C., with respect to the requirement in Form CDBG-N-7 of the Rule that the notice for the second public hearing must be published after the date that the first public hearing held. This petition for waiver is being applied for under Chapter 120.542, F.S.

A copy of the Petition, which has been assigned the number DCA05-WAI-160, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on August 9, 2005, from Leon County. The petitioner seeks a waiver of paragraph 9B-43.006(1)(a), F.A.C., with respect to the timing of the public hearing notice for the second Community Development Block Grant public hearing. This petition for waiver is being applied for under Chapter 120.542, F.S.

A copy of the Petition, which has been assigned the number DCA03-WAI-279, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**DEPARTMENT OF TRANSPORTATION**

NOTICE IS HEREBY GIVEN that the Florida Department of Transportation received a Petition for Waiver from Sarasota County Area Transit (SCAT) on August 1, 2005, seeking a waiver from the provisions of subsection 14-90.007(3), F.A.C. The rule states that Type I buses shall have a minimum reflective surface of 50 square inches and the right (curbside) mirror shall be located on the bus so that the lowest part of the mirror and its mounting is a minimum 80 inches above the ground. SCAT proposes the Department grant a waiver from this minimum height requirement.

Comments on this proposed waiver should be filed with the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice.

A copy of the Petition for Waiver may be obtained from the Clerk of Agency Proceedings. For additional information, contact: Sheaching Yu, Assistant General Counsel, (850)414-5265.

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

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

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received from Utilities, Inc. a petition seeking a waiver of paragraphs 25-30.037(3)(i),(j) and (k), and 25-30.030(4)(c), subsections (5),(6), and (7), F.A.C. The petition requests that these rules, which address information and other requirements for the approval of a transfer of majority organizational control of water and wastewater companies, be waived to permit the efficient transfer of the parent company of several Florida and other state utility companies.

Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days of publication of this notice.

A copy of the petition may be obtained at <http://www.psc.state.fl.us/psc/dockets>, or by writing to the above address.

For additional information, please contact: Martha Carter Brown, Office of the General Counsel, at the above address or telephone (850)413-6187. Docket No. 050499-WS.

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on July 29, 2005, the South Florida Water Management District (SFWMD) received a petition for waiver from Four Winds Hounds (FWH) for the use of SFWMD lands known as the Hickory Hammock Wildlife Management Area and Micco Landing, a sub unit of the Kissimmee River Management Area. This is a petition for a temporary waiver on specific Saturdays, as listed on "Exhibit A" of the petition, from October 2005 through April 2006 during the hours of 7:00 a.m. – 12:00 Noon. FWH would like to engage in an equestrian laid scent chasing activity in these areas. This waiver would allow FWH to use horses off of designated trails and to use dogs, other than the breeds specified during small game season at Micco Landing and Hickory Hammock, if surface water conditions allow. The petition seeks relief from subsections 40E-7.520(5), 40E-7.526(2) and 40E-7.527(1), F.A.C., "Public Use Guide", which incorporate SFWMD's "Public Use Guide" into the Chapter 40E-7, Part V, Fla. Admin. Code., prohibit equestrian activities off of designated equestrian trails and named or numbered roads, and prohibits dogs, other than those breeds

specified during the small game season, as applied to the Hickory Hammock Wildlife Management Area and Micco Landing, a sub unit of the Kissimmee River Management Area. A copy of the petition may be obtained from: Charron A. Follins, (561)682-6293, e-mail: cfollins@sfwmd.gov.

The SFWMD 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, West Palm Beach, FL 33406, Attn: Charron Follins, Office of Counsel.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2005-111-DAO-ROW), on August 10, 2005, to Southern Homes of Davie II, LLC. The petition for waiver was received by the SFWMD on May 6, 2005. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 31, No. 22, on June 3, 2005. No public comment was received. This Order provides a waiver for the proposed installation of 125 linear feet of guardrail within the north right of way of C-11, 7-feet from the top of the canal bank, approximately 1944 feet west of the Flamingo Road Bridge; S26/T50S/R40E, Broward County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground installations within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Southern Homes of Davie II, LLC, from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, e-mail: kruff@sfwmd.gov.

#### DEPARTMENT OF ELDER AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Department of Elder Affairs issued an Order on Petitioner for Waiver under Section 120.542, Florida Statutes, on August 9, 2005, to Renaissance Manor, Inc. The petition for waiver of paragraphs 58A-5.023(4)(c) and (d), F.A.C., was received on May 11, 2005. Notice of receipt of the petition for waiver was published in the Florida Administrative Weekly, Vol. 31, No. 21, on May

27, 2005. No public comment was received. The order grants a limited 2-year waiver of paragraph 58A-5.023(4)(c), F.A.C., for two rooms within the assisted living facility regarding maximum occupancy requirements. The order denies the request for waiver of paragraph 58A-5.023(4)(d), F.A.C.

A copy of the order can be obtained from: Kimberly Moore, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000.

NOTICE IS HEREBY GIVEN that a Petition for Variance was received on August 11, 2005 from Bethesda Memorial Hospital, 2815 South Seacrest Blvd, Boynton Beach, Florida 33435. This petition involves applicable Rule 59G-6.020, F.A.C., which incorporates by reference the Florida Title XIX Payment Methodology for Inpatient Hospital Services.

Information regarding this petition may be obtained by writing: Robert Butler, Chief, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 21, Tallahassee, FL, 32308.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on August 10, 2005; the Division of Alcoholic Beverages and Tobacco ("Division") received a Petition for Waiver of subsection 61A-2.014(5), F.A.C., by Teresa J. Moore, Esq. of Greenberg Traurig, P.A. on behalf The Las Olas Company Inc. ("Petition"). The Petition seeks a variance from the rule related to applications for alcoholic beverage licenses requiring all stockholders with an interest in a corporation holding an alcoholic beverage license which is greater than .5 percent, subject to specific exceptions as listed in the rule, to file a set of fingerprints at the time of making application for a beverage license or at the time an interest is created after a license has been issued. Petition requests that the Division waive the rule's requirement for each stockholder with an interest greater than .5%, to file fingerprints with the Division.

A copy of the Petition can be obtained from: Sara Wachman, Agency Clerk, Florida Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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

NOTICE IS HEREBY GIVEN that on August 10, 2005, the Bureau of Elevator Safety received a Petition for Variance from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C., which require a machine room,

steel ropes and non welded terminations, from Tim Hawthorne of Otis Elevator Company. The Petitioner requests a variance to allow the installation of Gen2™ elevator systems in the following location: Fairfield at Bonnet Creek, Phase III: Bldg. IV (Petition VW 2005-121).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Dentistry hereby gives notice that it has received a petition filed on August 10, 2005, by James Randolph Quick, Esquire, on behalf of Angela Maria Ospina, D.D.S., seeking a variance or waiver from subsection 64B5-2.0146(2), F.A.C., concerning the remediation education requirements for licensure as a Dentist in Florida.

Comments on this petition should be filed with Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact Sue Foster, Executive Director, Board of Dentistry, at the above address.

NOTICE IS HEREBY GIVEN that on August 1, 2005, the Department of Health received a Petition for Waiver from Rules 64E-15.003 and 64E-15.004, F.A.C., from John Simon on behalf of Forest Village RV Resort. That rule requires recreational vehicle parks to have a sanitary dump station, built to certain construction standards, and a potable water fill station. The Forest Village RV Resort is an existing 75 space recreational vehicle park located in Brevard County, Florida.

Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition may be obtained from: David B. Wolfe, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, (850)245-4277.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN that the Department of Children and Family Services has received a Petition for Waiver of subsection 65C-14.055(3), F.A.C. The Petition was received by the Agency Clerk on July 20, 2005, by Karla Roberts, Residential Counselor, assigned Case Nos. 05-003W. Subsection 65C-14.055(3), F.A.C., requires staff who perform direct counseling to children and their families shall have a master’s degree in social work, counseling, or related area of study from a college or university, and at least 2 years of experience in social work, counseling or related area of experience.

A copy of the Petition may be obtained by writing: Office of the Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

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

**DEPARTMENT OF STATE**

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

DATES AND TIMES: Monday, September 19, 2005, 1:00 p.m.; Tuesday, September 20, 2005, 9:00 a.m.; Wednesday, September 21, 2005, 9:00 a.m.; Thursday, September 22, 2005, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a general business meeting of the Florida Historical Commission and to review applications submitted to the Bureau of Historic Preservation by May 31, 2005 for Special Category grant assistance for historic preservation projects, and to recommend priority ranking and funding levels for grant awards.

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

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact: Bureau of Historic Preservation, (850)245-6333, Fax (850)245-6437.

The **Department of State, Office of Cultural and Historical Programs, Division of Cultural Affairs**, Florida Arts Council announces a public meeting, via conference call, to which all persons are invited.

COMMITTEE: Nominating Committee

DATE AND TIME: Wednesday, September 7, 2005, 11:00 a.m.

PLACE: Office of Cultural and Historical Programs, R. A. Gray Building, 500 South Bronough Street, Suite 305, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To nominate three members of the Florida Arts Council to fill the offices of Chairman, Vice-Chairman, and Secretary for the 2005-06 term.

A copy of the agenda and access telephone number may be obtained by writing: Dianne Alborn, Executive Assistant, 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6473, e-mail: dalborn@dos.state.fl.us.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Office of Cultural and Historical Programs/Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the office by the 1st day of September 2005, if you need an accommodation. Accommodations can be arranged through: Dana DeMartino, ADA Coordinator, Division of Cultural Affairs, (850)245-6477, Fax (850)245-6497, e-mail: ddemartino@dos.state.fl.us.

#### DEPARTMENT OF LEGAL AFFAIRS

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

DATES AND TIMES: Thursday, September 8, 2005, 1:00 p.m. – 4:30 p.m.; Friday, September 9, 2005, 9:00 a.m. – 1:00 p.m.

PLACE: Pensacola Junior College, College Centre, Building 96, Room 9663, 1000 College Boulevard, Pensacola, FL 32504-8998, (850)484-1000, Toll Free 1(888)897-3605 (Please 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 in writing in advance at Office of the Attorney General, The Capitol, PL-01, Tallahassee, FL 32399-1050.

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the following monthly public meeting of the Pesticide Registration Evaluation Committee to which all interested persons are invited.

DATE AND TIME: October 6, 2005, 9:00 a.m.

PLACE: Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Bldg. 6, Rm. 606, 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 WebSite: <http://www.flaes.org/pesticide/pesticideregistration.html>.

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

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

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

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

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

#### DEPARTMENT OF EDUCATION

The **Florida Education Foundation** announces the Quarterly Meeting of the Board of Directors and Committees

DATES AND TIMES: September 8, 2005, 6:00 p.m. – Committee Meetings; September 9, 2005, 8:30 p.m. – Full Board Meeting

PLACE: Hyatt Regency, Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida

**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 May, 23, 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.

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The **Florida Atlantic University**, Board of Trustees announces a Strategic Planning Workshop and consideration of a rule amendment concerning tuition and fees.

**DATE AND TIME:** Wednesday, September 14, 2005, 8:00 a.m.

**PLACE:** PGA National Resort & Spa, 400 Avenue of the Champions, Palm Beach Gardens, FL 33418

**PUBLIC COMMENT:** A public comment segment is scheduled immediately following the meeting. Public comment will be taken on items on the agenda. Presenters will be required to complete a public comment request card prior to the public hearing. Comment cards will be available at the meeting.

A copy of the agenda may be obtained by contacting: Ms. Annette Sisti, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431, (561)297-4030.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD No. (561)297-2130.

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#### **DEPARTMENT OF COMMUNITY AFFAIRS**

The **Florida Communities Trust** announces a Public Meeting of the Governing Body to which all persons are invited.

**DATE AND TIME:** September 15, 2005, 9:00 a.m. – business is concluded on that date (If necessary, the meeting will continue on September 16, 2005, 9:00 a.m. – business is concluded. It is the intention of the Trust to conduct as much business as possible on September 15, 2005; therefore, any public that desires to be heard should attend on that date.)

**PLACE:** The Cabinet Meeting Room, The Capitol Building, Lower Level, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Rank and select FF5 projects for funding and conduct other business that the governing board deems necessary.

**ACTION TO BE TAKEN:** Consideration of above-stated business.

To obtain a copy of the agenda, contact: The Trust, (850)922-2207.

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

Persons requiring a special accommodation for a disability or physical impairment should contact Florida Communities Trust, (850)922-2207, Suncom 292-2207, at least five days prior to the meeting. If hearing or speech impaired, contact Florida Communities Trust using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### **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:** September 13, 2005, 10:00 a.m. – OPEN

**PLACE:** Broward Community College, Criminal Justice Institute, 3501 S. W. Davie Road, Fort Lauderdale, Florida 33314

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the Probable Cause Case Agenda can be obtained by calling Brenda Presnell, (850)410-8648, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Professional Compliance Section, P. O. Box 1489, Tallahassee, Florida 32302.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 2 weeks prior to the meeting.

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#### **DEPARTMENT OF TRANSPORTATION**

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

**DATE AND TIME:** September 13, 2005, 2:30 p.m. – 5:00 p.m.

**PLACE:** Florida Department of Transportation District 5 Office, 719 South Woodland Avenue, DeLand, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Workshop of the Florida Transportation Commission.

**DATE AND TIME:** September 14, 2005, 8:00 a.m. – 10:00 a.m.



PLACE: Florida Department of Transportation District 5 Office, 719 South Woodland Avenue, DeLand, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Transportation Commission.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Commission at least 48 hours before the meetings by contacting: Cathy Goodman, (850)414-4105.

The **Florida Scenic Highways Program** announces a Scenic Highways Advisory Committee meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 20, 2005, 1:30 p.m. – 4:30 p.m.

PLACE: Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and provide a recommendation on the William Bartram Scenic Highway Designation Application and the Big Bend-Wakulla County Scenic Highway Eligibility Application.

SPECIAL ACCOMMODATIONS: Special accommodation requests should be made at least seven days prior to the meeting.

INFORMATION: Contact Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450, (850)414-5250, e-mail: mariano.berrios@dot.state.fl.us, Fax (850)414-4443.

The Florida **Department of Transportation**, District Five, on behalf of the City of Oviedo and Seminole County announces a Public Hearing to which all persons are invited.

DATE AND TIMES: September 22, 2005, 6:00 p.m. – Open House; 7:00 p.m. – Formal Presentation

PLACE: Oviedo High School Media Center, 601 King Street, Oviedo, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Financial Project Number 415030, otherwise known as the State Road 426/CR 419 (Broadway Street) Project Development and Environment (PD&E) Study. The limits of the project corridor are from Pine Avenue to Lockwood Boulevard in Oviedo, Seminole County, Florida.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write or call: Mr. Ralph Bove, Project Manager, Dyer, Riddle, Mills & Precourt, Inc., 1505 East Colonial Drive, Orlando, Florida 32803, (407)896-0594. Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by contacting: Mr. Ralph Bove, (407)896-0594, e-mail: rbove@drmp.com.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: September 8, 2005, 8:30 a.m.

PLACE: Embassy Suites, 1100 S. E. 17th St. Causeway, Ft. Lauderdale, FL 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call: Christine Jones, (850)245-7914.

Special accommodation requests under the Americans With Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing: Christine Jones, Executive Secretary, Commercial Motor Vehicle Review Board, 1815 Thomasville Road, Tallahassee, FL 32303-5750.

#### **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."

#### **FLORIDA PAROLE COMMISSION**

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

DATE AND TIME: Wednesday, September 7, 2005, 9:00 a.m.  
 PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C., Third Floor, Tallahassee, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980). A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

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

**EXECUTIVE OFFICE OF THE GOVERNOR**

The **Governor's Ex-offender Task Force** for the staff, Chairman, and Casey Foundation Task Force member announces routine business calls to which all interested persons are invited to participate.

DATES AND TIME: Thursdays, September 1, 8, 15, and 22, 2005, 4:00 p.m. – 5:00 p.m.

PLACE: The number is (850)921-6599

The **Statewide Drug Policy Advisory Council** announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: Friday, September 9, 2005, 10:00 a.m. – 2:00 p.m.

PLACE: 400 South Monroe Street, The Capitol (Senate Room 110), Tallahassee, Florida 32399-0001

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Purpose of this meeting is for council members to discuss current drug policy issues in the areas of prevention, treatment, and law enforcement as well as to provide advice to the state for future action. The meeting is open to the public.

The **Florida Sports Foundation** announces it's quarterly GRANT COMMITTEE meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 30, 2005, 10:00 a.m. – 11:30 a.m.

PLACE: 2930 Kerry Forest Parkway, Suite 101, Tallahassee, Florida 32309, Call In Numbers 1(877)651-3473 (toll free) (850)413-9245 (Tallahassee)

Please make note that if a person decides to appeal any decision made by the Grant Committee with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida is pleased to announce a conference call to which all persons are invited.

DATES AND TIMES: Thursday, September 8, 2005, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review AmeriCorps proposal funding policies.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda.

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

**REGIONAL PLANNING COUNCILS**

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited.

DATE AND TIME: Wednesday, September 14, 2005, 9:30 a.m.

PLACE: Highlands County Health Department Conference Room, 7205 South George Blvd., Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, and Exercise Sub-Committee, to which all persons are invited.

DATE AND TIME: Wednesday, September 14, 2005, 10:00 a.m.

PLACE: Bank of America Building, 2nd Floor, 205 North Parrott Avenue, Hwy. 441, Okeechobee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committees, and to discuss the provisions of the Emergency Planning and Community Right To Know Law (EPCRA).

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

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### WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following public meeting which may be attended by one or more Governing Board members. All persons are invited:

FLORIDA'S 28th ANNUAL CONFERENCE ON WATER MANAGEMENT

DATES AND TIMES: Wednesday, September 7, 2005, 8:00 a.m. – Friday, September 9, 2005, 3:00 p.m.

PLACE: The Sanibel Harbour Resort, 17260 Harbour Pointe Drive, Fort Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference will provide a forum for water managers to share information on emerging technologies, discuss policy and social issues, and address economic challenges in managing Florida's water resources.

NOTE: A copy of the agenda for these meetings may be obtained by writing: McRae and Company, Inc., P. O. Box 12187, Tallahassee, FL 32317-2187, (866)412-2696.

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The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited.

PROJECTS AND LAND COMMITTEE

DATE AND TIME: Monday, September 12, 2005, 3:00 p.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 W.), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Projects & Land Committee agenda items. Committee recommendations will be presented to the full Governing Board for approval on September 13. A tour of the Tri-County Agriculture area will follow the meeting.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, September 13, 2005, 8:45 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Finance and Administration agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, September 13, 2005, 10:00 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD AND PUBLIC HEARINGS ON BUDGET AND LAND ACQUISITION

DATE AND TIME: Tuesday, September 13, 2005, 1:00 p.m. (This meeting may continue the next consecutive day (Wednesday) at 8:00 a.m. if necessary to finish regulatory and administrative agendas.)

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of budget information for Fiscal Year 2005-2006 and consideration of District business including regulatory and non-regulatory matters.

PUBLIC HEARING ON TENTATIVE MILLAGE RATE AND BUDGET FOR FY 2005-2006

DATE AND TIME: Tuesday, September 13, 2005, 5:05 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official presentation of the tentative FY 2005-2006 millage rate and budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board.

NOTE: A copy of the agenda may be obtained at the SJRWMD website: [www.sjrwmd.com](http://www.sjrwmd.com) or by calling (386)329-4500. One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing (386)329-4500.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

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The **St. Johns River Water Management District** announces the following public meetings and hearings. All persons are invited.

**MEETING: GOVERNING BOARD AND FINAL BUDGET HEARING**

**DATE AND TIME:** Wednesday, September 28, 2005, 4:00 p.m.

**PLACE:** District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, FL 32177

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Staff will recommend approval of external budget amendments that may affect current adopted budget; discussion and consideration of other District business including regulatory and non-regulatory matters.

**PUBLIC HEARING ON THE FINAL MILLAGE RATE AND BUDGET FOR FY 2005-2006**

**DATE AND TIME:** Wednesday, September 28, 2005, 5:05 p.m.

**PLACE:** District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, FL 32177

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official presentation of the final FY 2005-2006 millage rate and budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board.

**NOTE:** A copy of the agenda may be obtained at the SJRWMD website: [www.sjrwmd.com](http://www.sjrwmd.com) or by writing: SJRWMD, P. O. Box 1429, Palatka, FL 32178-1429.

One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

Persons with disabilities who may need special accommodations to participate in these meetings may contact the District Clerk, (386)329-4500, at least two business days before the meeting.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting(s) to which all interested persons are invited.

**MANASOTA CHAMBER WATER ALTERNATIVES COMMITTEE MEETING**

**DATE AND TIME:** Friday, September 2, 2005, 8:00 a.m.

**PLACE:** Manatee Chamber Building, 222 10th Street, West, Bradenton, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Consideration of Committee business. Some members of the District's Manasota Basin Board may attend and participate in the discussions.

**30th ANNUAL CONFERENCE ON WATER MANAGEMENT**

**DATES AND TIME:** September 7-9, 2005, 8:00 a.m.

**PLACE:** Sanibel Harbour Resort & Spa, 17260 Harbour Pointe Drive, Fort Myers, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** A forum to discuss water management lessons learned from the past in order to build for the future. Members of the District's Governing and Basin Boards plan to attend.

These are public meetings and agendas are available by contacting the 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 private closed door attorney-client session:

**DATE AND TIME:** Wednesday, September 14, 9:00 a.m. – completed.

**PLACE:** B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406. (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)(2001) to discuss strategy related to litigation expenditures in *United States of America v. South Florida Water Management District, et al.* United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation.

**ATTENDEES:** Governing Board Members I. Bague, P. Brooks-Thomas, A. Carlson, M. Collins, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, M. Wade; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, K. Burns, S. Glazier, S. Nall.

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 by contacting: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: <http://www.sfwmd.gov/agenda/html>.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

**COMMISSION FOR THE TRANSPORTATION  
DISADVANTAGED**

The Florida **Commission for the Transportation Disadvantaged** announces a Request for Proposal (RFP) Committee Meeting to which all persons are invited.

DATE AND TIME: Thursday, September 8, 2005, 9:00 a.m. – completion

PLACE: Doubletree Grand Key Resort, 3990 South Roosevelt Boulevard, Key West, FL 33040, (305)293-1818

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.

The Florida **Commission for the Transportation Disadvantaged** announces a Personnel Committee Meeting to which all persons are invited.

DATE AND TIME: Thursday, September 8, 2005, 11:00 a.m. – completion

PLACE: Doubletree Grand Key Resort, 3990 South Roosevelt Boulevard, Key West, FL 33040, (305)293-1818

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the annual performance review of the Executive Director.

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.

The Florida **Commission for the Transportation Disadvantaged** announces a CTC Tour to which all persons are invited.

DATE AND TIME: Thursday, September 8, 2005, 1:30 p.m. – completion

PLACE: Departing from Doubletree Grand Key Resort, 3990 South Roosevelt Boulevard, Key West, Florida, (305)293-1818

GENERAL SUBJECT MATTER TO BE CONSIDERED: To tour local Community Transportation Coordinator facilities and observe the coordinated transportation system.

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.

The Florida **Commission for the Transportation Disadvantaged** announces an Ombudsman Committee Meeting to which all persons are invited.

DATE AND TIME: Thursday, September 8, 2005, 3:00 p.m. – completion

PLACE: Doubletree Grand Key Resort, 3990 South Roosevelt Boulevard, Key West, FL 33040, (305) 293-1818, Conference Call (850)487-9454, Suncom 277-9454

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.

The Florida **Commission for the Transportation Disadvantaged** announces a Public Hearing to which all persons are invited.

DATE AND TIME: Thursday, September 8, 2005, 5:30 p.m. – completion

PLACE: Doubletree Grand Key Resort, 3990 South Roosevelt Boulevard, Key West, Florida 33040, (305)293-1818

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hear comments from the public concerning the transportation disadvantaged program.

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.

The Florida **Commission for the Transportation Disadvantaged** announces a Commission Meeting to which all persons are invited.

DATE AND TIME: Friday, September 9, 2005, 9:00 a.m. – completion

PLACE: Doubletree Grand Key Resort, 3990 South Roosevelt Boulevard, Key West, Florida 33040, (305)293-1818, Conference Call number (850)414-1711, Suncom 994-1711

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular Commission business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in the meeting or those needing 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 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

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#### REGIONAL UTILITY AUTHORITIES

The **Withlacoochee Regional Water Supply Authority** announces that the Authority's Master Plan, Technical Review Committee will hold the following public meetings to which all persons are invited.

DATE AND TIME: September 15, 2005, 9:30 a.m.

PLACE: Withlacoochee Regional Planning Council Conference Room, 1241 S. W. 10th Street (SR 200), Ocala, Florida

DATE AND TIME: September 22, 2005, 9:30 a.m.

PLACE: Lecanto Government Center, Room 166, 3600 W. Sovereign Path, Lecanto, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review data and assumptions for the Authority's Master Plan update prepared by the Authority's consultants.

A copy of the agenda may be obtained by writing: WRWSA, P. O. Drawer 190, Tallahassee, Florida 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

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#### DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Health** in collaboration with the Florida **Department of Elder Affairs** announces a public hearing to which all persons are invited.

DATE AND TIME: Wednesday, September 14, 2005, 1:00 p.m. – 3:00 p.m.

PLACE: Department of Elder Affairs, Room 301, 4040 Esplanade Way, Tallahassee, FL 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Special Needs Shelter Interagency Committee meeting hosted by the Office of Long-Term Care Policy to develop and negotiate any necessary interagency agreement or policy related to improving the statewide response to special needs sheltering. This will be a training and education session of ESFs and Deployment.

To obtain a copy of the agenda, or to submit information please contact: Karen Eaton, 4052 Bald Cypress Way, Bin #C27, Tallahassee, Florida 32399-7000, (850)245-4740, e-mail: Karen\_Eaton@doh.state.fl.us. All materials, information or comments must be submitted electronically.

Note: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability, hearing or physical impairment should contact Karen Eaton at least five (5) calendar days prior to the meeting using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Department of Elder Affairs** will hold a conference call with the signers of the Triad Resolution and other interested parties who would like to participate.

DATE AND TIME: Tuesday, September 13, 2005, 11:00 a.m.

PLACE: The call in number is (850)921-6623, Suncom 291-6623

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss matters related to the Statewide Triad.

For a copy of the agenda contact: Ann Getman, (850)414-2072, Suncom 997-2072.

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#### DEPARTMENT OF MANAGEMENT SERVICES

The **Agency for Workforce Innovation** hereby cancels the public hearing on Notice of Proposed Rule Making for Rule 60BB-3.013, F.A.C., scheduled for:

DATE AND TIME: August 29, 2005, 10:00 a.m. – 12:00 Noon

All comments previously submitted in regards to the proposed rule have been received and will not need to be resubmitted.

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The **Agency for Workforce Innovation, Office of Early Learning** announces a meeting of their Advisory Council to which all interested parties are invited.

DATE AND TIME: September 16, 2005, 9:30 a.m. – 12:30 p.m.

PLACE: The Rosen Center, 9840 International Drive Orlando, Florida (For reservations, please contact the hotel, (407)996-9840, and state that you are part of the Voluntary Prekindergarten Board Meeting block in order to get the \$98.00 per night room rate)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

For more information, please contact: Cynthia Fitzhugh, (850)921-3209, e-mail: cynthia.fitzhugh@awi.state.fl.us.

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The **Agency for Workforce Innovation** announces a public hearing to which all interested persons are invited to participate.

DATE AND TIME: Thursday, September 22, 2005, 1:00 p.m. – 5:00 p.m.

PLACE: Agency for Workforce Innovation, Caldwell Building, Room B-049, 107 East Madison Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hear public comment on the Agency for Workforce Innovation, Office of Early Learning's Proposed Rules published in the July 22, 2005 issue of the F.A.W. (Vol. 31, No. 29). The Proposed Rules that will be addressed are: Proposed Rule 60BB-8.100 – Definitions; Proposed Rule 60BB-8.200 – Child Eligibility; Proposed Rule 60BB-8.201 – Parent Application and Procedures; Proposed Rule 60BB-8.202 – Early Learning Coalition Procedures for Child Registration, Eligibility Determination, and Enrollment; and Proposed Rule 60BB-8.300 – Provider Application and Procedures. The Proposed Rules may be viewed by going to the Florida Administrative Weekly website at <http://faw.dos.state.fl.us/> and selecting the July 22, 2005 issue.

Written comments on the Proposed Rules may be submitted until October 3, 2005. Written comments may be provided by going to the following URL: <http://www.floridajobs.org/earlylearning/oelrule.html> or writing: Agency for Workforce Innovation, 107 East Madison Street, MSC 110, Tallahassee, FL 32399-4128.

A copy of the agenda will be available at the hearing.

Any person requiring special accommodations to participate in this hearing is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting: Ms. Nicole Cutchin, (850)245-7150.

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The **Department of Management Services**, Enterprise **Information Technology Services**, Wireless 911 Board announces the following meeting schedule information.

Wireless 911 Board Grant Committee

DATE AND TIME: September 13, 2005, 2:00 p.m. –5:00 p.m.

PLACE: Jupiter Beach Resort, Jupiter Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and review applications related to the Rural County Grant/Medium County Loan Program

Wireless 911 Board Meeting

DATE AND TIME: September 14, 2005, 9:00 a.m. –5:00 p.m.

PLACE: Jupiter Beach Resort, Jupiter Beach, Florida

Wireless 911 Board Grant Committee

DATE AND TIME: September 15, 2005 (following adjournment of regular board meeting)

PLACE: Jupiter Beach Resort, Jupiter Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and review applications related to the Rural County Grant/Medium County Loan Program.

If accommodation due to disability is needed in order to participate, please notify the DMS – State Enterprise Information Technology Services Office/Wireless 911 Board in writing at least five (5) days in advance at 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

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The **Department of Management Services** announces a meeting of the Standard Operating Procedures and Technical Committee of the Joint Task Force on State Agency Law Enforcement Communications to which all interested persons are invited.

DATE AND TIME: September 6, 2005, 9:00 a.m.

PLACE: Florida Department of Transportation, Office of Motor Carrier Compliance, 1815 Thomasville Road, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matters of the Statewide Law Enforcement Radio System.

For more information about the agenda, contact: Victor Cullars, Florida Department of Law Enforcement (Technical Committee), (850)410-8300 or Todd Preston, Fish and Wildlife Conservation Commission (SOP Committee), (850)410-0656.

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## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Regulatory Council of Community Association Managers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: Friday, August 31, 2005, 10:30 a.m. (EST)

PLACE: Telephone conference call – To connect please dial (850)488-3676, Suncom 278-3676

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: The Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)922-5012.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting (850)922-5012. If you are hearing and speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

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The **Department of Business and Professional Regulation** announces a public meeting of the Florida **Board of Cosmetology** to which all persons are invited to attend.

DATE AND TIME: Sunday, October 2, 2005, 9:00 a.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing: Florida Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the 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 Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Landscape Architecture** announces the following meeting to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: September 12, 2005, 10:00 a.m.

PLACE: Access Phone # – (850)413-9245, Suncom 293-9245, Toll Free 1(877)651-3473

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Landscape Architecture, 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 Pilot Commissioners** announces a telephone conference call to which all persons are invited to participate.

DATE AND TIME: September 12, 2005, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL, Number To Call (850)921-6433, Suncom 291-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Board of Pilot Commissioners, (850)922-6096 at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Thursday, September 15, 2005, 8:00 a.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul J. Martin, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees which all persons are invited.

DATES AND TIME: Wednesday, September 21, 2005, 8:00 a.m.; continuing Thursday, September 22, 2005, 8:00 a.m. if the business of the Committee is not concluded

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303



GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul J. Martin, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public telephone conference call to which all persons are invited.

DATE AND TIME: Friday, September 30, 2005, 10:00 a.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303, Conference Call Number 1(800)473-6926

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul J. Martin, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting to conduct the business of the Board, including committee business to which all persons are invited.

DATES AND TIME: Tuesday, October 25, 2005, 8:30 a.m.; continuing Wednesday, October 26, 2005, 8:30 a.m. if the business of the Board is not concluded

PLACE: Comfort Inn & Suites Hotel, 3901 North Atlantic Avenue, Cocoa Beach, Florida 32931

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Board.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul J. Martin, (850)521-0500.

The **Department of Business and Professional Regulation, Division of Real Estate** announces a meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 14, 2005, 9:30 a.m. or soonest thereafter

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Department – disciplinary proceedings regarding unlicensed activity.

The Hearing Officer for the Department will be participating via teleconference.

If a person decides to appeal a decision made by the Department, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida State Boxing Commission** announces a rules workshop and commission meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, September 13, 2005, 10:00 a.m. – 2:00 p.m.

PLACE: Department of Business and Professional Regulation, Secretary's Conference Room, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399 (Access to the meeting may be obtained by attending in person at the remote location listed or by calling, at least forty-eight (48) hours prior to the meeting, (850)488-8500, Suncom 278-8500)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a general business meeting of the Commission.

A copy of the agenda may be obtained by writing: Florida State Boxing Commission, ATTN: Jason Penley, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399-1016.

Any person deciding to appeal a decision made by the Commission with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact Laura Figley, Administrative Assistant, (850)488-8500, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Florida Mobile Home Relocation Corporation** announces a meeting of its Board of Directors. The board will consider mobile home applications for abandonment and relocation compensation due to evictions as a result of a change in land use.

DATE AND TIME: Monday, August 29, 2005, 9:30 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL 33760

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board.

A schedule for the next meeting will be determined. Additional information may be obtained by contacting: Mandy Lemons, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010.

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

#### DEPARTMENT OF JUVENILE JUSTICE

The Florida **Department of Juvenile Justice** announces the first meeting of the Juvenile Justice Provider Staff Certification Task Force.

DATES AND TIME: August 31, 2005; September 1, 2005, 10:30 a.m.

PLACE: Department of Juvenile Justice, Alexander Building Training Room, 2020 Capital Circle, Southeast, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Juvenile Justice Provider Staff Certification Task Force was created by House Bill 1917 to consider the feasibility of implementing and operating a certification system for direct care staff who work in contracted juvenile justice facilities, services or programs. The task force shall consider and make recommendations regarding issues such as occupational levels of staff subject to certification, criteria that may be used to certify staff, and the benefits and costs to implement and maintain a certification system. A final report must be submitted to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1, 2006.

ADDITIONAL MEETINGS: Two additional meetings have been scheduled: (1) October 5 and October 6, 2005, in Largo, FL; and (2) November 9, 2005, in Tallahassee, FL. Times and locations for these meetings can be obtained after September 1, 2005, by contacting: Barbara Buda, (850)414-2495, e-mail: [Barbara.Buda@djj.state.fl.us](mailto:Barbara.Buda@djj.state.fl.us).

#### DEPARTMENT OF HEALTH

The Florida **Board of Medicine**, Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, September 17, 2005, 8:00 a.m. or soon thereafter

PLACE: Sofitel Miami, 5800 Blue Lagoon Dr., Miami, FL 33126, (305)264-4888

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

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 committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to 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.

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).

The Florida **Board of Medicine** and **Osteopathic Medical Board**, Joint Committee on Anesthesiologist Assistants announces a meeting to which all persons are invited.

DATE AND TIME: Friday, September 16, 2005, 10:00 a.m.

PLACE: Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, Florida 32822, (407)851-9000

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, Anesthesiologist Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call 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: JoAnne Davis, Supervisor, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

If any person decides to appeal any decision made by the Committee 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.

The **Department of Health**, Electrolysis Council under the **Board of Medicine** announces a conference call to which all persons are invited.

DATE AND TIME: September 12, 2005, 9:00 a.m. or soon thereafter

PLACE: (850)922-2903, Suncom 292-2903, Toll free 1(800)416-4254

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the council office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the council with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure

that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, September 16, 2005, 9:00 a.m. or soon thereafter

PLACE: Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, Florida 32822, (407)851-9000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants 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: JoAnne Davis-Trexler, Supervisor/Consultant, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

If any person decides to appeal any decision made by the Council 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.

The **Board of Nursing**, North Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: September 12, 2005, 5:30 p.m.

PLACE: Department of Health, Tallahassee, Meet Me Number, (850)921-5400

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Board of Podiatric Medicine**, Probable Cause Panel will hold a duly noticed meeting, to which all persons are invited to attend.

DATE AND TIME: Friday, September 9, 2005, 9:00 a.m.  
 PLACE: Renaissance Tampa Hotel International Plaza, 4200 Jim Walter Boulevard, Tampa, FL 33607, (813)877-9200  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Board of Podiatric Medicine** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, September 9, 2005, 10:00 a.m. or shortly thereafter  
 PLACE: Renaissance Tampa Hotel International Plaza, 4200 Jim Walter Boulevard, Tampa, FL 33607, (813)877-9200  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/podiatry/index.html](http://www.doh.state.fl.us/mqa/podiatry/index.html).

The **Department of Health** announces a relocation of the public meeting of the Technical Review and Advisory Panel scheduled for September 15, 2005, to which all persons are invited.

DATE AND TIME: September 15, 2005, 9:00 a.m.  
 PLACE: Marriott Orlando Airport, 7499 Augusta National Drive, Orlando, FL 32822, Local Telephone (407)859-0552  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Identify and discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the meeting.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida **Fish and Wildlife Conservation Commission** announces a facilitated stakeholder meeting to discuss and examine manatee issues.

DATE AND TIME: September 6, 2005, 10:00 a.m. – 6:00 p.m.  
 PLACE: Florida Wildlife Research Institute, 100 8th Ave, S. E., St. Petersburg, FL 33701, (727)893-8626  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is fact finding, to solicit input from stakeholders to the agency and its federal partners in evaluating current issues concerning the manatee.

The public can attend the meeting; however, space is limited. This meeting will be structured and facilitated. A limited time will be available for public comment. The meeting will be held at the date, time, and location given below:

Questions about the meeting should be directed to: Ms. Carol Knox, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section (6A), 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Janis Magee,

(727)893-8626. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD) or (850)488-9542, within the Tallahassee area.

The **Fish and Wildlife Conservation Commission** announces two public meetings of the ad hoc Spiny Lobster Advisory Board, to which all interested persons are invited.

DATES AND TIME: September 28-29, 2005, 8:00 a.m. – 5:00 p.m. each day

PLACE: The Marathon Garden Club, 5270 Overseas Highway, Marathon, Florida 33050

DATES AND TIME: November 17-18, 2005, 8:00 a.m. – 5:00 p.m. each day

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Boulevard, Duck Key, Florida 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to allow the ad hoc Spiny Lobster Advisory Board and staff of the Commission's Division of Marine Fisheries Management and the Fish and Wildlife Research Institute to identify and discuss pertinent issues concerning the spiny lobster fishery. The Board is composed of commercial lobster harvesters, recreational lobster fishers, a wholesale seafood dealer, and representatives of non-government organizations.

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

For further information, contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The **Fish and Wildlife Conservation Commission** announces the second Florida Marine Fisheries Summit meeting as follows.

DATE AND TIME: September 28, 2005, 9:00 a.m. – 4:00 p.m.

PLACE: Holiday Inn and Suites, 8214 Universal Blvd., Orlando, Florida 32819, (407)581-9001

GENERAL SUBJECT MATTER TO BE CONSIDERED: At the first meeting of the Florida Marine Fisheries Summit, held November 18, 2004, attendees were given a choice of participating in one of three "breakout" groups, designated as recreational, commercial and non governmental organization. Each group identified key topics and themes to establish the basis for developing a common vision for the management of Florida's marine fisheries. This meeting was followed by later subgroup meetings held in February which allowed for a continuation of those initial discussions. This final meeting will be held to develop a combined group vision for the future of Florida's marine fisheries.

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

For further information, contact: Mark Robson, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

#### DEPARTMENT OF FINANCIAL SERVICES

The Florida **Board of Funeral, Cemetery and Consumer Services** announces a public Board Meeting and all persons are invited to attend.

DATE AND TIME: October 4, 2005, 10:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Northwood Center Board Room #101, 1940 N. Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

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

TO OBTAIN FURTHER INFORMATION CONTACT: LaTonya Bryant, Administrative Assistant I, Division of Consumer Services, 200 East Gaines St., Tallahassee, FL 32399-0361, (850)413-3039.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) for assistance.

The **Financial Services Commission, Office of Insurance Regulation** announces a public hearing to which all persons are invited.

DATE AND TIME: September 22, 2005, during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of amendments to Rule 690-186.005, F.A.C., published on June 17, 2005 in Vol. 31, No. 24, of the Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Peter Rice, e-mail: peter.rice@fldfs.com.

**FLORIDA PORTS CONFERENCE**

The **Florida Ports Conference** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, August 31, 2005, 11:00 a.m.  
 PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss and establish minimum rates, charges, classifications, rules, regulations and practices applicable to and governing the use and operation of public seaports.

A copy of the agenda may be obtained by contacting: Jim Massie, General Counsel, 660 East Jefferson Street, Tallahassee, FL 32301, e-mail: JMassie41@aol.com.

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

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this public meeting should advise the Florida Ports Conference by contacting: Jim Massie, General Counsel, 660 East Jefferson Street, Tallahassee, FL 32301, (850)222-7710, e-mail: JMassie41@aol.com.

**FAMILY CARE COUNCIL**

The **Agency for Persons with Disabilities**, Area 2 announces a Family Care Council Meeting to which all interested persons are invited to participate.

DATE AND TIME: September 1, 2005, 6:00 p.m.  
 PLACE: FSU/Center for Autism and Related Disabilities (CARD), 625-B North Adams, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting to discuss advocacy efforts affecting those receiving services provided by the Agency for Persons with Disabilities (APD). OPEN TO PUBLIC

If you have questions or need special accommodations, please call (850)487-1992.

**COMMISSION ON MARRIAGE AND FAMILY SUPPORT INITIATIVES**

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Policy Committee  
 DATE AND TIME: Thursday, September 1, 2005, 9:00 a.m. – 11:00 a.m.

PLACE: Via conference call – 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agenda and more information about how to attend the meeting contact Heidi Rodriguez, (850)488-4952, Ext. 135, e-mail: hrodriguez@ounce.org.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Public Awareness Committee  
 DATE AND TIME: Friday, September 2, 2005, 10:00 a.m. – 12:00 Noon

PLACE: Via conference call – 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agenda and more information about how to attend the meeting contact: Heidi Rodriguez, (850)488-4952, Ext. 135, e-mail: hrodriguez@ounce.org.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Executive Committee  
 DATE AND TIME: Wednesday, September 7, 2005, 8:30 a.m. – 9:30 a.m.

PLACE: Via conference call – 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agenda and more information about how to attend the meeting contact: Heidi Rodriguez, (850)488-4952, Ext. 135, e-mail: hrodriguez@ounce.org.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Program Committee  
 DATE AND TIME: Wednesday, September 7, 2005, 9:45 a.m. – 11:00 a.m.

PLACE: Via conference call – 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agenda and more information about how to attend the meeting contact: Heidi Rodriguez, (850)488-4952, Ext. 135, hrodriguez@ounce.org.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

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The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Resource Development Committee

DATE AND TIME: Thursday, September 8, 2005, 10:30 a.m. – 4:00 p.m.

PLACE: 5234 Silver Star Road, Orlando, FL 32808

For a copy of the agenda and more information about how to attend the meeting contact: Heidi Rodriguez, (850)488-4952, Ext. 135, e-mail: hrodriguez@ounce.org.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

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#### **FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The **Florida Automobile Joint Underwriting Association** announces the following meetings.

FAJUA Operating Committee Teleconference

DATE AND TIME: Tuesday, September 6, 2005, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review proposed changes in the FAJUA Underwriting Manual for recommendation to the Board of Governors and any other matters that may come before the committee.

FAJUA Finance Committee “Shade” and Regular Meeting

DATE AND TIME: Wednesday, September 7, 2005, 1:00 p.m.

PLACE: Conrad Miami, Espirito Santo Plaza, 1395 Brickell Avenue, Miami, Florida 33131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss matters relating to FAJUA Investment Guidelines; and any other matters that may come before the committee.

FAJUA Advisory Committee Meeting

DATE AND TIME: Wednesday, September 7, 2005, 3:00 p.m.

PLACE: Conrad Miami, Espirito Santo Plaza, 1395 Brickell Avenue, Miami, Florida 33131

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss progress of goals agreed upon by the FAJUA Board of Governors and any other matters that may come before the committee.

FAJUA Budget Committee Meeting

DATE AND TIME: Wednesday, September 7, 2005, 2:00 p.m.

PLACE: Conrad Miami, Espirito Santo Plaza, 1395 Brickell Avenue, Miami, Florida 33131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed FY 2005-2006 budget, make recommendations to the Board, and to consider other matters that may come before the committee.

FAJUA Board of Governors Meeting

DATE AND TIME: Thursday, September 8, 2005, 8:30 a.m.

PLACE: Conrad Miami, Espirito Santo Plaza, 1395 Brickell Avenue, Miami, Florida 33131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive reports of the General Manager, Committees and Counsel; to consider and take actions based on those reports; to consider statutorily required rate filing; and consider any other matters that may come before the Board.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive, East, #201A, Tallahassee, FL, (850)681-2003, e-mail: lstoutamire@fajua.org.

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The Florida **Automobile Joint Underwriting Association** announces the following meetings.

FAJUA ad hoc Vendor Review and Selection Committee Teleconference

DATE AND TIME: Tuesday, September 6, 2005, 2:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss current FAJUA Servicing Carrier Agreement and any other matters that may come before the committee.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive, East, #201A, Tallahassee, FL, (850)681-2003, e-mail: lstoutamire@fajua.org.

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#### **FLORIDA PATIENT SAFETY CORPORATION**

The **Florida Patient Safety Corporation’s Nominating Committee** announces a telephone conference call to which all persons are invited to call in.

DATE AND TIME: Tuesday, September 13, 2005, 12:15 p.m. – 1:15 p.m.

PLACE: To access the call, dial: 1(866)200-9760, Participant PIN 8938936#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Topic: Discussion to determine Slate of Officers to be offered for election at the October 6, 2005 meeting of the Florida Patient Safety Corporation’s Board of Directors.

For additional information contact: Susan Moore, Florida Patient Safety Corporation, 2722 Waterford Glen Court, Tallahassee, Florida 32312, (850)893-8936, e-mail: susan.a.moore@comcast.net.

**FLORIDA CLERK OF COURT OPERATIONS  
CONFERENCE**

The **Clerks of Court Operations Corporation** announces a meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 13, 2005, 1:00 p.m. – 5:00 p.m.

PLACE: Ritz Carlton Hotel, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and certification of proposed budgets submitted by the Clerks of Court and other budget issues as necessary.

Information regarding the meeting may be obtained by contacting: John Dew, Florida CCOC, (850)386-2223 or visiting the CCOC website: [www.flccoc.org](http://www.flccoc.org).

**FLORIDA SURPLUS LINES SERVICE OFFICE**

The **Florida Surplus Lines Service Office**, Board of Governors’ announces four meetings to which all interested parties are invited.

**EXECUTIVE COMMITTEE**

DATES AND TIMES: Tuesday, September 27, 2005, 2:00 p.m.; Wednesday, September 28, 2005, 9:00 a.m.

PLACE: VIA Conference Call, Florida Surplus Lines Service Office, 1441 Maclay Commerce Drive, Ste. 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed 2005 Budget.

**BOARD OF GOVERNORS**

DATE AND TIME: Thursday, September 29, 2005, 9:00 a.m.

PLACE: Florida Surplus Lines Service Office, 1441 Maclay Commerce Drive, Ste. 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board Meeting

DATE AND TIME: Friday, September 30, 2005, 9:00 a.m.

PLACE: VIA Conference Call – Florida Surplus Lines Service Office, 1441 Maclay Commerce Drive, Ste. 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed 2005 Budget

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 July 20, 2005, from Stoughton Homes, Inc. regarding whether sprinklers are required on single family residential buildings greater than three stories pursuant to s. 324.1 of the Florida Building Code, Residential Volume (2004).

It has been assigned the number DCA05-DEC-142.

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 July 28, 2005, from William Shoolbred, Elixir Industries, regarding the application of Chapter 9B-72, F.A.C., to petitioner’s product, a roof-over system made of aluminum.

It has been assigned the number DCA05-DEC-151.

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 August 8, 2005, from GrayStone of Florida, Inc. regarding whether decorative cementitious coating is subject to product approval pursuant to Chapter 9B-72, F.A.C..

It has been assigned the number DCA05-DEC-159.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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



## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a Declaratory Statement In Re: Petition for Declaratory Statement, Leonard Leopold, Unit Owner, Waterview Condominium Association, Inc. of Aventura, Docket Number 2005022178.

The Division declares based upon the findings of fact and conclusions of law, the question of petitioner's right to speak at a board meeting is denied as moot and it is declared that the board could not appoint directors to committees without noticing this as an agenda item in the meeting notice under Section 718.112(2)(c), F.S., which action may be ratified by the board at a properly noticed meeting.

A copy of the Declaratory Statement, Docket Number 2005022178, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a Declaratory Statement In Re: Petition for Declaratory Statement, Bay Point Studio Villas III Association, Inc., Docket Number 2005022392.

The Division declared that Bay Point Studio Villas III Association, Inc. may not convey certain portions of the common elements by sale or by long term lease to individual unit owners for the expansion of their units under Section 718.111(7)(a), F.S., or other applicable portion of Chapter 718, F.S., without first complying with Section 718.110(4), F.S.

A copy of the Declaratory Statement, Docket Number 2005022392, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received a petition for a declaratory statement from Christine Garrity, Petitioner, in DBPR Case No. DS 2005-032. The Petition lists Section 550.26165(4)(d), F.S. (corrected citation Section 550.2625(4)(d), F.S.) as the statutory provision(s) upon which a declaratory statement is being sought. For the purpose of applying the above statute section pertaining to standardbred horses, the Petition requests the Division of Pari-Mutuel Wagering to state whether the artificial insemination of horses, regardless of their location inside or outside the State of Florida, constitutes "breeding" within the State of Florida,

when using semen collected from a qualified stallion physically present in Florida. Any person whose substantial interests may be affected by a declaratory statement on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

The Electrical Contractors' Licensing Board hereby gives notice that on August 9, 2005, it received a Petition for Declaratory Statement filed by Brent J. Horton, Esquire, on behalf of ParTech, Inc. The petition seeks the Board's interpretation of Section 489.501, Florida Statutes, and whether ParTech's installation of Point of Sale Computer Systems at customer locations requires licensure as an electrical contractor or whether ParTech's activities are exempt by Section 489.503, Florida Statutes.

Copies of the petition may be obtained from: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783.

The Board of Professional Surveyors and Mappers hereby gives notice that it has received a Petition for Declaratory Statement filed on August 12, 2005 by Academic Services Corporation. The Petitioner seeks the Board's opinion on the following issue: Whether or not a boundary survey and a record plat boundary, which must meet the requirements of Chapter 177 of the Florida Statutes, should both be in the same format.

Copies of the petition may be obtained by writing: John Knapp, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

## DEPARTMENT OF HEALTH

The Board of Orthotists and Prosthetists hereby gives notice that it has issued an Order on the Petition for Declaratory Statement filed by Michael Daniels on behalf of Tampa General Hospital. The Notice of Petition for Declaratory Statement was published in Vol. 31, No. 21, of the May 27, 2005, Florida Administrative Weekly. The Board of Orthotists and Prosthetists considered the Petition at its meeting held on

July 15, 2005, in Jacksonville, Florida. The Petition requested the Board's opinion on 4 questions concerning whether an orthotist or an orthotic fitter can independently apply or adjust a halo brace without physician supervision. The Board's order, opines that the answer to each of the posed questions is "No." The opinion does qualify the "No" response to one of the questions.

For a copy of the order, contact: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-0783

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Declaratory Statement that was filed on June 10, 2005, by Nellie Hart, Psy.D. The Notice of Petition for Declaratory Statement was published in Vol. 31, No. 26, of the July 1, 2005, Florida Administrative Weekly. Petitioner sought the Board's interpretation of Section 490.005, Florida Statutes and Rule 64B19-11.005, F.A.C. and whether Nellie Hart's position with the Miami Dade Public Defender's Office as a Disposition Specialist meets the supervised experience requirements for state licensure. The Board of Psychology considered the Petition at its meeting held on July 29, 2005, in Ft. Lauderdale, Florida. The Board's Order, filed on August 12, 2005, answered the Petition for Declaratory Statement, finding that the employment described by Petitioner does not provide the post-doctoral experience required of applicants for licensure as a psychologist in Florida pursuant to Section 490.005(1)(c), F.S., and Rule 64B19-11.005, F.A.C.

A copy of the Board's Order may be obtained by contacting: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

**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 August 8, 2005, from Mr. Barry Baker, Fire Chief of Ormond Beach Fire Department, Petitioner. The Petition is seeking the Department's interpretation of the Florida Fire Prevention Code and, in particular, NFPA 407 relating to fire fuel storage facilities. Specifically, Petitioner asks:

- A. Does the National Fire Protection Association Standard 407 apply to fuel storage facilities at Ormond Beach Aviation and Sunrise Aviation at the addresses cited above?
- B. Can the authority having jurisdiction require or allow comparable safety measures in place of referenced safety provisions in the code (specifically NFPA 407)?

- C. If violations are found at either of the above referenced fuel farms, is the state the enforcement arm to correct these violations or will they assist the authority having jurisdiction in enforcement?

A copy of the Petition may be obtained by writing to, calling or sending a fax to: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), e-mail: Gabe.Mazzeo@fldfs.com.

**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:**

Philip James Hursh vs. Department of Business and Professional Regulation, Board of Professional Engineers; Case No.: 05-2859RE; Rule Nos.: 61G15-20.0015(3), 61G15-21.009(1)(b),(3)

The Florida Insurance Council, Inc., The American Insurance Association, Property Casualty Insurers Association of America and National Association of Mutual Insurance Companies vs. Department of Financial Services, Office of Insurance Regulation and the Financial Services Commission; Case No.: 05-2803RP; Rule No.: 69O-125.005

Rezwan Ashdji, M.D. vs. Agency for Health Care Administration; Case No.: 05-2853RU

**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

**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."

**FLORIDA HOUSING FINANCE CORPORATION**

Request for Proposals 2005-05  
Development and Rehabilitation of  
Migrant Farmworker Housing

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to develop and/or rehabilitate migrant farmworker housing to submit proposals for consideration. Written, sealed proposals shall be accepted at anytime prior to 2:00 p.m., Eastern Time, Friday, December 30, 2005, to the attention of Robin Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Proposals received after 2:00 p.m., Eastern Time, Friday, December 30, 2005, will not be considered by Florida Housing. For questions or additional information, please contact: Robin Grantham, (850)488-4197, e-mail: [robin.grantham@floridahousing.org](mailto:robin.grantham@floridahousing.org).

To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror's responsibilities, please submit your request to: Robin Grantham, or you may download the Request for Proposals from the Florida Housing Finance Corporation website: <http://www.floridahousing.org/Home/BusinessLegal/CurrentSolicitations/RequestForProposals.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.

**FISH AND WILDLIFE CONSERVATION  
COMMISSION**

PUBLIC ANNOUNCEMENT  
NOTICE TO CONTRACTORS

BIDS ARE REQUESTED FROM QUALIFIED CONTRACTORS BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR THE CONSTRUCTION OF:

PROJECT NUMBER: FWC 05/06-08

PROJECT NAME: LAKE JOSEPHINE AQUATIC ENHANCEMENT

PROJECT LOCATION: HIGHLANDS COUNTY, FLORIDA  
SERVICES TO BE PROVIDED: Dewater Lake Josephine central and west basins, remove, consolidate, haul and deposit tussock/organic sediments to form wildlife islands.

BID OPENING DATE: September 30, 2005, 3:00 p.m. EDT

PLACE: Florida Fish and Wildlife Conservation Commission  
Purchasing Office, Room 364  
620 South Meridian Street  
Tallahassee, Florida 32399-1600  
Tel. (850)488-3428

QUALIFICATION: Each bidder whose field is governed by Chapters 399, 455, 489, and 633 of the Florida Statutes, for licensure or certification must submit qualification data of their eligibility to submit proposals with their bid.

PRE-BID CONFERENCE: A non-mandatory pre-bid conference to clarify any questions or ambiguities the bidders may have with respect to the bid documents has been scheduled for 11:00 a.m. EDT on September 15, 2005 at FWC Boat Ramp on the Central Basin.

REQUIRED BONDS: Bids shall be accompanied by a bid guarantee of not less 5% of the amount of the bid. After Award of Contract, a 100% Performance Bond and a 100% Labor and Material Payment Bond will be required.

PROPOSAL: Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined at the above-mentioned Purchasing Office.

BID DOCUMENTS: Bid documents shall be obtained from the Commission, upon payment of \$25.00, non-refundable, for one set. The payment envelope MUST be plainly marked on the outside with the bid number. The bid package will be sent overnight upon receiving payment by the above-mentioned Purchasing Office.

Direct questions to the Project Director:  
Beacham Furse  
Florida Fish and Wildlife Conservation Commission

Division of Habitat and Species Conservation  
 3991 S. E. 27th Court  
 Okeechobee, Florida 34974  
 Phone: (863) 462-5190  
 e-mail: beacham.furser@myfwc.com

## Section XII Miscellaneous

### DEPARTMENT OF COMMUNITY AFFAIRS

#### Notice of Funding Availability

The Department of Community Affairs, Division of Emergency Management (DEM) is pleased to announce the availability of Hazard Mitigation Grant Program (HMGP) Planning funds as a result of the recent Presidential Disaster Declarations (FEMA-1539, 1545, 1551, 1561 DR-FL). The HMGP is authorized by Section 404 of the Robert T. Stafford Disaster Relief Act and is designed to assist communities in implementing mitigation measures designed to reduce or eliminate long-term risk to people and property from natural hazards and their effects. The amount of funding available is based on 7.0% of the total federal mitigation funds provided to the state under the HMGP. DEM is soliciting applications and encourage all eligible applicants to identify eligible mitigation planning projects and submit them for funding consideration. The application should address eligible long-term mitigation planning activities designed to reduce the community's overall risk to hazards and support both the State Standard Mitigation Plan and the Local Mitigation Strategy (LMS). The HMGP Planning applications will be funded on a competitive basis, the scoring criterion is attached and should used as a guide when completing application. The application period will close September 12, 2005. Therefore, all applications must be postmarked by September 12, 2005. The DEM encourages and welcomes the submittal of complete applications at anytime during this cycle.

The deadline for the submission of applications for the HMGP funds is September 12, 2005 (postmarked). Applications will only be accepted from eligible applicants as defined below. Please provide four completed copies of the State of Florida Hazard Mitigation Grant Program Planning Application and all appropriate attachments, which may be obtained at the DEM website located at <http://www.floridadisaster.org/brm/hmgrp.htm>.

Alternatively, you may contact the DEM directly at (850)413-9884. In order to be considered, completed applications must be sent to the following address:

Florida Department of Community Affairs  
 Division of Emergency Management  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100  
 ATTN: Leroy Thompson

All applicants must be in an NFIP participating community, if they have been identified through the NFIP as having Special Flood Hazard Areas. In addition, the community must not be on probation, suspended or withdrawn from the NFIP. For more information see the State of Florida NFIP Community Status Report at <http://www.dca.state.fl.us/brm>.

### EARLY LEARNING COALITION OF ALACHUA COUNTY

#### EARLY LEARNING COALITION (ELC)

The Alachua County ELC seeks Service Providers to provide services in one or more of four areas:

1. School Readiness, including eligibility determination and provider reimbursement, Parent and Child Services, and Provider development, support and training.
2. Inclusion Services
3. Child Care Resource and Referral
4. Voluntary Pre-Kindergarten, including eligibility determination and provider reimbursement, Parent and Child Services, and Provider development, support and training.

THE ELC ENCOURAGES PROPOSALS FOR EACH INDIVIDUAL COMPONENT, OR FOR A COMBINATION OF COMPONENTS.

Copies of the Invitation To Negotiate for service provision are available at [www.elcalchua.org](http://www.elcalchua.org), 1204 N. W. 13th St., Suite 5, Gainesville, Florida.

### EARLY LEARNING COALITION OF ST. LUCIE COUNTY

#### Request for Proposal

Competitive sealed proposals will be accepted by the Early Learning Coalition of St. Lucie County, Inc. for the following service: financial and compliance audit for the years ending June 30, 2005, 2006, and 2007.

Sealed proposals will be received until 4:00 p.m. (EDT) on September 9, 2005, 804 South Sixth Street, Fort Pierce, FL 34950.

RFP specifications are available by contacting Andrea Fedock, Fiscal Manager, at the address indicated above, phone (772)595-6424, Fax (772)595-6081, or via email request to [fedocka01@srscl.org](mailto:fedocka01@srscl.org). Reference RFP Number: ELCSLC-Audit #2-06.

Eligible applicants are local governments, state agencies, federally recognized Indian Tribal governments and private non-profit organizations and institutions. Eligible activities include mitigation projects that will result in protection of public or private property from natural hazards. Eligible projects include:

- Plan Development other than LMS
- Risk Assessment Updates
- Research and Development that supports hazard mitigation planning
- Studies, that are not funded by other federal agencies
- GIS Enhancements
- Public Education and Outreach

At this time, the state will not consider funding request to develop or update Local Mitigation Strategies. All projects submitted must meet the following minimum criteria to be considered for funding:

- Conform with the State Mitigation Plan and the respective community's Local Mitigation Strategy;
- Is technically feasible;
- Provide a beneficial impact upon the designated disaster area;
- Conform to all applicable environmental laws, and regulations and executive orders;
- Solve a problem independently or constitutes a functional part of a solution;
- Is in an NFIP participating community that is not on probation or have been suspended from NFIP; and
- Meet all applicable state and local codes and standards

Under the HMGP, FEMA will contribute up to 75 percent (75%) of the total amount approved under the grant award to implement eligible cost-effective mitigation measures. The applicant must provide the remaining 25 percent (25%) non-federal share. All contributions, cash or in-kind services, are acceptable as part of the non-federal share. Requirements for in-kind contributions can be found in 44 Code Federal Regulations, Section 13.24. In-kind contributions must be directly related to the eligible project cost. In-kind resources are those personnel, materials, equipment and supplies owned, controlled and operated by the applicant or a third party contributor. Applicants are encouraged to link HMGP funds with other state, local and private sources.

If there are any questions regarding the allocation of funds or the project review and selection criteria, please call the Mitigation Planning Staff, (850)922-5269.

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 paragraph 380.06(4)(a), Florida Statutes.

FILE NO.: BLIM-506-001  
 DATE RECEIVED: August 16, 2005  
 DEVELOPMENT NAME: Glen Lakes Phase I & II  
 Royal Highlands West  
 DEVELOPER/AGENT: Glen Lakes Partnership/  
 Richard Matassa  
 DEVELOPMENT TYPE: 28-24.023, 28-24.031, F.A.C.  
 LOCAL GOVERNMENT: Hernando County

**DEPARTMENT OF TRANSPORTATION**

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, F.A.C., "Airport Licensing, Registration, and Airspace Protection" for the following site:

Palmetto Bay Village, a private airport, in Miami-Dade County, at Latitude 25° 36' 6" and Longitude 080° 18' 35.7", to be owned and operated by Mr. Luis Figueira, 14726 S. W. 53rd terrace, Miami, FL 33185.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, e-mail: aviation.fdot@dot.state.fl.us, Webstie: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Chapter 28-106, F.A.C., and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, F.S.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point  
 Franchise Motor Vehicle Dealer in a County of Less  
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Classic Motorworks, Ltd., intends to allow the establishment of Baseline Specialists, Inc., d/b/a Melillimoto,

as a dealership for the sale of Royal Enfield motorcycles, at 8260 Southeast 58th Avenue, Ocala (Marion County), Florida 34480, on or after September 1, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Baseline Specialists, Inc., d/b/a Melillimoto, are dealer operator: Sebastian DiDato, 8260 Southeast 58th Avenue, Ocala, Florida 34480; principal investor(s): Sebastian DiDato, 8260 Southeast 58th Avenue, Ocala, Florida 34480.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kevin Mahoney, President, Class Motorworks, Ltd., 1220B Fourth Street, Northwest, Faribault, Minnesota 55021.

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.

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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, Victory Motorcycles, intends to allow the establishment of G & S Motorsports, LLC, d/b/a Barry Motorsports of Tampa, as a dealership for the sale of Victory motorcycles, at 2316 West Hillsborough Avenue, Tampa (Hillsborough County), Florida 33603, on or after August 8, 2005.

The name and address of the dealer operator(s) and principal investor(s) of G & S Motorsports, LLC, d/b/a Barry Motorsports of Tampa, are dealer operator: Glenn S. Barry, 5146 Fairfield Drive, Lakeland, Florida 33811; principal investor(s): Glenn S. Barry, 5146 Fairfield Drive, Lakeland, Florida 33811.

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: Michael W. Malone, VP Finance, CFO, Victory Motorcycles, 2100 Highway 55, Medina, Minnesota 55340.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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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 Nissan Diesel America, Inc., intends to allow the relocation of Rush Truck Center of Florida, as a dealership for the sale of UD trucks, from its present location at 12475 West Colonial Drive, Winter Garden, Florida, to a proposed location at 1406 Sand Lake Road (Orange County), Orlando, Florida 32809, on or after July 26, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Rush Truck Center of Florida are dealer operator: W. Marvin Rush, P. O. Box 34630, San Antonio, Texas 78265; principal investor(s): W. Marvin Rush, Rush Enterprises, Inc., P. O. Box 34630, San Antonio, Texas 78265. 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: Dayle Wetherell, Senior Vice President & General Manager, Nissan Diesel America, Inc., P. O. Box 152034, Irving, Texas 75015-2034.

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.

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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, Transnational Outdoor Power, LLC, intends to allow the establishment of Bikes, Parts & Cruisers, as a dealership for the sale of Madami line make motorcycles, at 18524 US Highway 19 (Pasco County), Hudson, Florida 34667, on or after May 24, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Bikes, Parts & Cruisers are dealer operator: John A. Wolding, 5267 Palisaders Drive, Wewahitchka, Florida 34607; principal investor(s): John A. Wolding, 5267 Palisaders Drive, Wewahitchka, Florida 34607.

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: Brenda Linton, Licensing Department, Transnational Outdoor Power, LLC, 1310 South Elmira, Russellville, Arizona 72801.

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.

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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, BMW of North America, LLC, intends to allow the establishment of Motorcycles of Miami, Inc., d/b/a BMW Motorcycles of Miami, as a dealership for the sale of BMW motorcycles, at 7501 Northwest 36th Street, Miami (Dade County), Florida 33166-6708, on or after August 17, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Motorcycles of Miami, Inc., d/b/a BMW Motorcycles of Miami are dealer operator: Doner Garcia, 4860 Northwest 97th Place, Miami, Florida 33178; principal investor(s): Francisco Garcia Garcia, 3039 Ellice Way, Naples, Florida 34119.

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: Barbara Kuhns, Administrative Coordinator, BMW of North America, LLC, P.O. Box 1227, Westwood, New Jersey 07675-1227.

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.

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

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

**REGIONAL PLANNING COUNCILS**

Request for Letters of Interest

The Withlacoochee Regional Planning Council is seeking proposals from qualified firms for the purpose of identifying a Contractor of Record who will assist the Council and its local governments in their emergency management/homeland security activities. Preference will be given to Florida based firms with local, regional and state experience in the emergency management, planning and training fields.

More information is available at the WRPC website ([wrpc.cc](http://wrpc.cc)). Please forward a letter of interest and statement of qualifications to the Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474. Proposals must be received no later than 4:00 p.m. EDT, September 12, 2005.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

CERTIFICATE OF NEED  
LETTERS OF INTENT

The Agency for Health Care Administration received and accepted the following letters of intent for the September 14, 2005 application filing date for Hospital Beds and Facilities batching cycle:

County: Lake	District: 3
Date Filed: 8/15/2005	LOI #: H0508001
Facility/Project: Leesburg Regional Medical Center	
Applicant: Leesburg Regional Medical Center	
Project Description: Establish a long-term care hospital of up to 50 beds	
County: Lake	District: 3
Date Filed: 8/15/2005	LOI #: H0508002
Facility/Project: Promise Healthcare of Florida III, Inc.	
Applicant: Promise Healthcare of Florida III, Inc.	
Project Description: Establish a long-term care hospital of up to 80 beds	
County: Clay	District: 4
Date Filed: 8/12/2005	LOI #: H0508003
Facility/Project: Baptist Medical Center of Clay, Inc.	
Applicant: Baptist Medical Center of Clay, Inc.	
Project Description: Establish an acute care hospital of up to 92 beds	

County: Clay	District: 4
Date Filed: 8/15/2005	LOI #: H0508004
Facility/Project: Orange Park Medical Center, Inc.	
Applicant: Orange Park Medical Center, Inc.	
Project Description: Establish an acute care hospital of up to 100 beds	
County: Clay	District: 4
Date Filed: 8/12/2005	LOI #: H0508005
Facility/Project: Southern Baptist Hospital of Florida, Inc.	
Applicant: Southern Baptist Hospital of Florida, Inc.	
Project Description: Establish an acute care hospital of up to 92 beds	
County: Clay	District: 4
Date Filed: 8/15/2005	LOI #: H0508006
Facility/Project: St. Vincent's Medical Center, Inc.	
Applicant: St. Vincent's Medical Center, Inc.	
Project Description: Establish an acute care hospital of up to 120 beds	
County: Polk	District: 6
Date Filed: 8/15/2005	LOI #: H0508007
Facility/Project: Promise Healthcare of Florida VI, Inc.	
Applicant: Promise Healthcare of Florida VI, Inc.	
Project Description: Establish a long-term care hospital of up to 80 beds	
County: Orange	District: 7
Date Filed: 8/15/2005	LOI #: H0508008
Facility/Project: Kindred Hospitals East, L.L.C.	
Applicant: Kindred Hospitals East, L.L.C.	
Project Description: Establish a long-term care hospital of up to 100 beds	
County: Orange	District: 7
Date Filed: 8/15/2005	LOI #: H0508009
Facility/Project: Promise Healthcare of Florida VII, Inc.	
Applicant: Promise Healthcare of Florida VII, Inc.	
Project Description: Establish a long-term care hospital of up to 80 beds	
County: Orange	District: 7
Date Filed: 8/15/2005	LOI #: H0508010
Facility/Project: Ten Broeck Orlando, Inc.	
Applicant: Ten Broeck Orlando, Inc.	
Project Description: Establish an adult psychiatric hospital of up to 49 beds	
County: Orange	District: 7
Date Filed: 8/15/2005	LOI #: H0508011
Facility/Project: Ten Broeck Orlando, Inc.	
Applicant: Ten Broeck Orlando, Inc.	
Project Description: Establish a child/adolescent psychiatric hospital of up to 90 beds	
County: Orange	District: 7
Date Filed: 8/12/2005	LOI #: H0508012



Facility/Project: UHS of Maitland, Inc.  
 Applicant: UHS of Maitland, Inc.  
 Project Description: Establish an adult psychiatric hospital of up to 49 beds  
 County: Orange District: 7  
 Date Filed: 8/12/2005 LOI #: H0508013  
 Facility/Project: UHS of Maitland, Inc.  
 Applicant: UHS of Maitland, Inc.  
 Project Description: Establish a child/adolescent psychiatric hospital of up to 90 beds  
 County: Seminole District: 7  
 Date Filed: 8/15/2005 LOI #: H0508014  
 Facility/Project: Ten Broeck Orlando, Inc.  
 Applicant: Ten Broeck Orlando, Inc.  
 Project Description: Establish an adult psychiatric hospital of up to 49 beds  
 County: Seminole District: 7  
 Date Filed: 8/15/2005 LOI #: H0508015  
 Facility/Project: Ten Broeck Orlando, Inc.  
 Applicant: Ten Broeck Orlando, Inc.  
 Project Description: Establish a child/adolescent psychiatric hospital of up to 90 beds  
 County: Brevard District: 7  
 Date Filed: 8/9/2005 LOI #: H0508016  
 Facility/Project: Holmes Regional Medical Center, Inc.  
 Applicant: Holmes Regional Medical Center, Inc.  
 Project Description: Establish an acute care hospital of up to 100 beds  
 County: Charlotte District: 8  
 Date Filed: 8/9/2005 LOI #: H0508017  
 Facility/Project: Peace River Regional Medical Center  
 Applicant: Port Charlotte HMA, Inc.  
 Project Description: Establish a 10-bed Level II Neonatal Intensive Care Unit  
 County: Martin District: 9  
 Date Filed: 8/15/2005 LOI #: H0508018  
 Facility/Project: Promise Healthcare of Florida IX, Inc.  
 Applicant: Promise Healthcare of Florida IX, Inc.  
 Project Description: Establish a long-term care hospital of up to 80 beds  
 County: St. Lucie District: 9  
 Date Filed: 8/15/2005 LOI #: H0508019  
 Facility/Project: Promise Healthcare of Florida IX, Inc.  
 Applicant: Promise Healthcare of Florida IX, Inc.  
 Project Description: Establish a long-term care hospital of up to 80 beds  
 County: St. Lucie District: 9  
 Date Filed: 8/12/2005 LOI #: H0508020  
 Facility/Project: Select Specialty Hospital – St. Lucie, Inc.  
 Applicant: Select Specialty Hospital – St. Lucie, Inc.  
 Project Description: Establish a long-term care hospital of up to 60 beds  
 County: St. Lucie District: 9  
 Date Filed: 8/15/2005 LOI #: H0508021  
 Facility/Project: Martin Memorial Medical Center, Inc.  
 Applicant: Martin Memorial Medical Center, Inc.  
 Project Description: Establish an acute care hospital of up to 80 beds  
 County: Broward District: 10  
 Date Filed: 8/15/2005 LOI #: H0508022  
 Facility/Project: Promise Healthcare of Florida X, Inc.  
 Applicant: Promise Healthcare of Florida X, Inc.  
 Project Description: Establish a long-term care hospital of up to 80 beds  
 County: Broward District: 10  
 Date Filed: 8/12/2005 LOI #: H0508023  
 Facility/Project: Select Specialty Hospital – Broward, Inc.  
 Applicant: Select Specialty Hospital – Broward, Inc.  
 Project Description: Establish a long-term care hospital of up to 60 beds  
 County: Broward District: 10  
 Date Filed: 8/8/2005 LOI #: H0508024  
 Facility/Project: North Broward Hospital District  
 Applicant: North Broward Hospital District  
 Project Description: Establish an acute care hospital of up to 144 beds through the delicensure of up to 144 existing acute care beds from Broward General and North Broward Medical Ctr  
 County: Dade District: 11  
 Date Filed: 8/15/2005 LOI #: H0508025  
 Facility/Project: Promise Healthcare of Florida XI, Inc.  
 Applicant: Promise Healthcare of Florida XI, Inc.  
 Project Description: Establish a long-term care hospital of up to 80 beds  
 County: Dade District: 11  
 Date Filed: 8/12/2005 LOI #: H0508026  
 Facility/Project: Select Specialty Hospital – Dade, Inc.  
 Applicant: Select Specialty Hospital – Dade, Inc.  
 Project Description: Establish a long-term care hospital of up to 60 beds  
 County: Dade District: 11  
 Date Filed: 8/12/2005 LOI #: H0508027  
 Facility/Project: Mount Sinai Medical Center of Florida, Inc.  
 Applicant: Mount Sinai Medical Center of Florida, Inc.  
 Project Description: Establish an acute care hospital of up to 260 beds through the delicensure of up to 260 beds from Mount Sinai Medical Center

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after October 19, 2005, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on September 30, 2005.

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#### 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."

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#### DEPARTMENT OF HEALTH

On August 16, 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 Nima Heshmati, M.D., license number ME 84360. This Emergency Suspension 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 August 16, 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 David Wang, M.D., license number ME 46620. This Emergency Suspension 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 August 16, 2005, John O. Agwunobi, M.D., M.B.A., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the certificate of Kimberly L. Washington, C.N.A., certificate number CX 7267676566. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The

Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On August 16, 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 Kimberly Mazzeo, R.N. license number RN 916650. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On August 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 Kenneth Hatfield, R.N., license number RN 9208406. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

##### NOTICE OF RENEWAL OF FLORIDA'S STATE PLAN FOR TEMPORARY CASH ASSISTANCE FOR NEEDY FAMILIES (TANF)

Notice is hereby given that the Department of Children and Family Services, Economic Self-Sufficiency Services, is proposing for submission the Florida State Plan for Temporary Cash Assistance for Needy Families (TANF) for renewal for Federal Fiscal Years 10/01/05-9/31/08. To receive a full copy of the draft State Plan for TANF for renewal and Appendices by mail: call (850)488-8004 or write: the Department of Children and Family Services, Economic Self-Sufficiency Services Program Office, 1317 Winewood Boulevard, Building 3, Room 423, Tallahassee, Florida 32399-0700.

The Department will accept written comments from the public on this proposed State Plan Renewal. Comments should be sent to the address above. The deadline for submitting comments to the Department is October 10, 2005, 5:00 p.m.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN August 8, 2005  
 and August 12, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF EDUCATION**

**Florida International University**

6C8-4.006	8/8/05	8/28/05	Newspaper	
6C8-4.014	8/8/05	8/28/05	Newspaper	
6C8-4.016	8/8/05	8/28/05	Newspaper	
6C8-4.018	8/8/05	8/28/05	Newspaper	
6C8-4.019	8/8/05	8/28/05	Newspaper	
6C8-4.025	8/8/05	8/28/05	Newspaper	
6C8-4.030	8/8/05	8/28/05	Newspaper	
6C8-6.010	8/12/05	9/1/05	Newspaper	

**DEPARTMENT OF CORRECTIONS**

33-504.201	8/10/05	8/30/05	31/26	
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**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid Program Office**

59G-4.200	8/11/05	8/31/05	31/21	31/27
59G-4.230	8/11/05	8/31/05	31/24	

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Facilities Management**

60H-2.001	8/12/05	9/1/05	31/22	
60H-2.002	8/12/05	9/1/05	31/22	
60H-2.0021	8/12/05	9/1/05	31/22	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
60H-2.003	8/12/05	9/1/05	31/22	
60H-2.005	8/12/05	9/1/05	31/22	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

61G4-18.004	8/8/05	8/28/05	31/23	
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**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

64B10-11.0011	8/10/05	8/30/05	31/20	
64B10-11.002	8/10/05	8/30/05	31/20	
64B10-11.007	8/10/05	8/30/05	31/20	
64B10-11.011	8/10/05	8/30/05	31/20	
64B10-15.003	8/10/05	8/30/05	31/20	
64B10-16.003	8/10/05	8/30/05	31/20	

**Board of Opticianry**

64B12-8.021	8/8/05	8/28/05	31/27	
64B12-8.022	8/8/05	8/28/05	31/27	
64B12-9.001	8/8/05	8/28/05	31/27	
64B12-9.0015	8/8/05	8/28/05	31/27	
64B12-9.002	8/8/05	8/28/05	31/27	

**Board of Respiratory Care**

64B32-2.001	8/8/05	8/28/05	31/27	
64B32-2.003	8/8/05	8/28/05	31/27	