

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

RULE TITLE: Written Statement Explaining Consumer Rights under Chapter 681, Florida Statutes; Florida New Motor Vehicle Arbitration Board 2-30.001
PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to provide additional definitions of terms located in Chapter 681, Florida Statutes, and to update the forms incorporated by reference in Rule 2-30.001, F.A.C.
SUBJECT AREA TO BE ADDRESSED: Various terms located in Chapter 681, Florida Statutes, and the forms that are incorporated by reference in Rule 2-30.001, F.A.C.
SPECIFIC AUTHORITY: 681.103(3), 681.109(5), 681.1095, 681.118 FS.
LAW IMPLEMENTED: 681.102, 681.103, 681.104, 681.109, 681.1095 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: 1:00 p.m. – 3:00 p.m., November 9, 2005
PLACE: Office of the Attorney General, The Leroy Collins Building, Room 138, 107 West Gaines Street, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Janet L. Smith, Office of the Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399-1050, (850)414-3300, email: jan_smith@oag.state.fl.us
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE CHAPTER TITLE: Gasoline and Oil Inspection
RULE CHAPTER NO.: 5F-2
RULE TITLES: Standards
RULE NOS.: 5F-2.001
Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2
5F-2.002
Registration and Identification
5F-2.003

Adoption of the General Code and the Codes of Liquid Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid Measuring Devices, Hydrocarbon Gas Vapor Measuring Devices, Vehicle Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44 5F-2.014
Guidelines for Imposing Administrative Penalties 5F-2.016
PURPOSE AND EFFECT: In the title section, the title of 5F-2.002 “Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2” is changed to reflect the new terminology used by ASTM International.
The purpose of amending Rule 5F-2.001, F.A.C., is to adopt the 2005 edition of the chemical and physical standards set forth in ASTM International, update the legal name of the referenced organization to ASTM International from the American Society for Testing and Materials, and add definitions and testing standards for new fuels on the market, defined as “alternative fuels.” The latter will protect the consumer from substandard alternative fuels should they enter the petroleum market in Florida. The standards will provide guidance for quality testing of regulated petroleum products. The effect will be that the Department will use the most recent nationally recognized standards for petroleum products developed by a consensus organization.
The purpose of amending Rule 5F-2.002, F.A.C., is to reflect the new terminology used by ASTM International in its latest version. The effect is to bring us in line with current terminology.
The purpose of amending Rule 5F-2.003, F.A.C., is to add labeling requirements for the sale of additional current fuels and new “alternative” fuels. Changes in the sulfur requirements for diesel, clarification of the content of alcohol containing gasoline, and new alternative fuels on the market prompted this amendment. The effect is to provide the consumer with the information to make an informed choice that may be critical to the function of the vehicle when purchasing fuel in Florida.
The purpose of amending is to adopt the 2005 edition of National Institute of Standards and Technology (NIST) Handbook 44 which contains specifications and testing criteria for liquid and vapor measuring devices. The effect will be the incorporation of the most recent nationally recognized specifications and testing criteria for measuring devices developed by a consensus organization.
The purpose of amending Rule 5F-2.016, F.A.C., is to update the matrix table that defines the administrative fines as described in Section 525.16, F.S. The effect is to include all violations and have uniform imposition of administrative fines.

SUBJECT AREA TO BE ADDRESSED: Proposed Rule 5F-2.001, F.A.C., will specify that the most recent edition of ASTM Standard D 4814-04b¹, *Standard Specification for Automotive Spark-Ignition Engine Fuel* is the accepted standard for implementation of Chapter 525, F.S. Proposed Rule 5F-2.001, F.A.C., will also add definitions and testing standards for new fuels on the market, known as “alternative fuels.”

SPECIFIC AUTHORITY: 525.037, 525.14, 525.16, 526.09, 531.40, 531.41(3) FS.

LAWS IMPLEMENTED: 525.01, 525.07, 525.035, 525.037, 525.07, 525.14, 525.16, 526.01(1),(3), 531.40 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., Monday, October 24, 2005

PLACE: Department Training Room, basement level, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Matthew D. Curran, Ph.D., Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions shall be considered ~~may be made~~ by the Department of Agriculture and Consumer Services for petroleum fuel gasoline designed for special equipment or service, or in the event of fuel shortages, declared states of emergency, or other events of the like, in accordance with Section 120.542, F.S., Variances and waivers.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in ASTM International ~~the American Society for Testing and Materials~~ designation D 4814-04b^{E1} ~~D 4814-04b~~, “Standard Specification for Automotive Spark-Ignition Engine Fuel.”

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International ~~the American Society for Testing and Materials~~ designation D 4814-04b^{E1} ~~D 4814-04b~~, “Standard Specification for Automotive Spark-Ignition Engine Fuel.”

(c) No person shall sell or offer for sale gasoline in this state that does not comply with the following requirements:

1. The total ethanol content of gasoline shall not exceed ten percent (10.0%), by volume;

2. The total methanol and co-solvents content of gasoline shall not exceed ten percent (10.0%), by volume;

3. The total methyl tertiary butyl ether (MTBE) content of gasoline shall not exceed fifteen percent (15.0%), by volume;

4. The total ethanol and methyl tertiary butyl ether (MTBE) content of gasoline shall not exceed twelve percent (12.0%), by volume.

(2) Kerosene (Kerosine). The following specifications apply to kerosene No. 1-K and No. 2-K sold or offered for sale in Florida.

(a) Standards. All kerosene No. 1-K and No. 2-K shall conform to the chemical and physical standards for kerosene No. 1-K and No. 2-K as set forth in ASTM International ~~the American Society for Testing and Materials~~ designation D 3699-04 ~~D 3699-03~~, “Standard Specification for Kerosine.”

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using methods recognized by ASTM International ~~the American Society for Testing and Materials~~ designation D 3699-04 ~~D 3699-03~~, “Standard Specification for Kerosine.”

(3) Diesel Fuel Oils No. 1-D and No. 2-D. The following specifications apply to diesel fuel oils No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in ASTM International ~~the American Society for Testing and Materials~~ designation D 975-04c^{E1} ~~D 975-03~~, “Standard Specification for Diesel Fuel Oils.”

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International ~~the American Society for Testing and Materials~~ designation D 975-04c^{E1} ~~D 975-03~~, “Standard Specification for Diesel Fuel Oils.”

(4) Fuel Oils No. 1 and No. 2. The following specifications apply to fuel oils No. 1 and No. 2 sold or offered for sale in Florida.

(a) Standards. All fuel oils No. 1 and No. 2 shall conform to the chemical and physical standards for fuel oils No. 1 and No. 2 as set forth in ASTM International ~~the American Society for Testing and Materials~~ designation D 396-04 ~~D 396-02a~~, “Standard Specification for Fuel Oils.”

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International ~~the American Society for Testing and Materials~~ designation D 396-04 ~~D 396-02a~~, “Standard Specification for Fuel Oils.”

(5) Alternative Fuels. The term “alternative fuel” means denatured ethanol, methanol, and other alcohols; mixtures containing 85% or more (or such other percentage, but no less than 70% as determined by the Department, by rule, to provide for requirements relating to cold start, safety, or vehicle

functions) by volume of denatured ethanol, methanol, and other alcohols with gasoline or other fuels; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including electricity from solar energy); and any other fuel the Department determines, by rule.

(a) E85 Fuel Ethanol. The following specifications apply to E85 Fuel Ethanol sold or offered for sale in Florida.

1. Standards. All E85 Fuel Ethanol shall conform to the chemical and physical standards for Fuel Ethanol as set forth in the ASTM International designation D 5798-99, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines."

2. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 5798-99, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines."

(b) M85 Fuel Methanol. The following specifications apply to M85 Fuel Methanol sold or offered for sale in Florida.

1. Standards. All M85 Fuel Methanol shall conform to the chemical and physical standards for Fuel Methanol as set forth in the ASTM International designation D 5797-96, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines."

2. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designation D 5797-96, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines."

(c) Biodiesel Blending Stock and Biodiesel Fuel Blends. The following specifications apply to Biodiesel Blending Stock and Biodiesel Fuel Blends sold or offered for sale in Florida.

1. Standards. The diesel fuel used for blending and biodiesel blends up to 20% biodiesel blending stock shall meet the specifications set forth by ASTM International designation D 975-04c^{§1}, "Standard Specification for Diesel Fuel Oils." Biodiesel blending stock shall meet the specifications set forth by ASTM International designation D6751-03a, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

2. Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the ASTM International designations D 975-04c¹, "Standard Specification for Diesel Fuel Oils" and D6751-03a, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

(6)(5) Water in Retail Storage Tanks. Water in storage tanks containing products enumerated in this section and from which products are sold at retail shall not exceed two inches in depth when measured from the bottom of the tank.

(7)(6) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from ASTM International the American Society for Testing and Materials, 100 Barr Harbor Drive, West, Conshohocken, PA 19428, or <http://www.astm.org>.

(a) ASTM International American Society for Testing and Materials D 4814-04b^{§1} ~~D 4814-04b~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel";

(b) ASTM International American Society for Testing and Materials D 3699-04 ~~D 3699-03~~, "Standard Specification for Kerosene";

(c) ASTM International American Society for Testing and Materials D 975-04c^{§1} ~~D 975-03~~, "Standard Specification for Diesel Fuel Oils";

(d) ASTM International American Society for Testing and Materials D 396-04 ~~D 396-02a~~, "Standard Specification for Fuel Oils";

(e) ASTM International D 5798-99, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines";

(f) ASTM International D 5797-96, "Standard Specification for M85 Fuel Methanol (M70-M85) for Automotive Spark-Ignition Engines";

(g) ASTM International designation D6751-03a, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 4-18-05.

5F-2.002 Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. Numbers 1-D and No. 2-D, and Fuel Oils No. Numbers 1 and No. 2.

(1) GASOLINE.

(a) Gasoline found below the standard by reason of containing water, sediment, or suspended matter shall be withheld from sale to the public by the Department of Agriculture and Consumer Services until brought up to standard.

(b) Gasoline found below standard because of an Antiknock Index more than one (1.0), but not more than two (2.0), below the Antiknock Index displayed on the dispenser shall be withheld from sale to the public until it has been brought up to standard; or the Department may release it for sale to the public as a product of lesser quality, or to the owner for use in his own equipment.

(c) Gasoline found below standard for reasons other than those enumerated in paragraphs (1)(a) and (b) shall be subject to penalties provided in Section 525.16, Florida Statutes.

(2) KEROSENE.

(a) Kerosene found below standard by reason of containing water, sediment, suspended matter, or failing to meet the standard for color shall not have an assessment levied by the Department, but shall be withheld from sale to the public until brought up to standard.

(b) Kerosene found below standard for reasons other than those enumerated in paragraph (2)(a) shall be subject to penalties provided in Section 525.16, Florida Statutes.

(3) DIESEL FUEL OILS ~~No. NUMBERS~~ 1-D and ~~No. 2-D~~ and FUEL OILS ~~No. Numbers~~ 1 and ~~No. 2~~.

(a) Diesel fuel oils and fuel oils found below standard by reason of containing excessive amounts of water and sediment shall not have an assessment levied but shall be withheld from sale to the public until they are brought up to standard.

(b) Diesel fuel oil ~~No. number~~ 2-D found below the flash point, standard but not below 100°F, shall not have an assessment levied but shall be withheld from sale to the public until brought up to standard.

(c) Diesel fuel oils ~~No. numbers~~ 1-D and ~~No. 2-D~~, and fuel oils ~~No. 1 and No. 2~~ ~~Numbers 1 and 2~~ found below standard for reasons other than those enumerated in paragraph (3)(a) and (b) shall be subject to the penalties as provided in Section 525.16, Florida Statutes.

Specific Authority 525.037, 525.14, 525.16 FS. Law Implemented 525.037, 525.16 FS. History—Amended 7-1-71, 7-1-73, Repromulgated 12-31-74, Amended 2-13-80, Formerly 5F-2.02, Amended 5-3-90, 8-13-92, 1-24-93, 11-29-94, _____.

5F-2.003 Registration and Identification.

(1) The Department of Agriculture and Consumer Services will furnish on request Form DACS-03202 for making statements and affidavits required in Section 525.01, Florida Statutes. Form DACS-03202 is effective 11-29-94, and is hereby adopted and incorporated by reference herein. The form may be obtained by writing or visiting the Department of Agriculture and Consumer Services, Division of Standards, Bureau of Petroleum Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650.

(2) Every retail gasoline dispenser shall have the octane rating of the gasoline being sold therefrom conspicuously and firmly posted in a manner conforming with 16 Code of Federal Regulations Part 306 (1-1-93 Edition) which is hereby adopted by reference. Copies of this publication may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(3) Every retail gasoline dispenser shall have the grade designation of the gasoline being sold therefrom conspicuously and firmly attached thereto. The octane rating of gasoline sold using the following grade designations must meet the minimum octane rating indicated:

<u>Grade Designation</u>	<u>Minimum Octane Rating</u>
Premium, Super, Supreme, High Test	91
Midgrade, Plus	89
Regular, Unleaded	87

(4) All racing gasoline or gasoline designed for special use that is kept, offered, or exposed for sale, or sold at retail that does not meet standards established in subsection 5F-2.001(1), F.A.C.:

(a) May not be advertised or represented, in writing or orally, to be suitable for use in ordinary motor vehicles or boat motors;

(b) Shall be accompanied by a conspicuous sign on the dispenser stating that the product does not meet gasoline specifications; and

(c) May not be dispensed into vehicles or boats unless the appearance of said vehicles or boats indicate they are used primarily for racing or special purposes.

(5) Every retail kerosene dispenser or container-package of kerosene offered for sale at retail shall be conspicuously labeled “kerosene” immediately followed by the designation: 1-K or 2-K, whichever is applicable.

(6) Every retail diesel fuel dispenser shall have the proper grade designation to indicate the sulfur content of the diesel fuel being sold therefrom conspicuously and firmly attached thereto. The proper grade designation to indicate the sulfur content of the diesel fuel sold shall be indicated according to the following:

<u>Grade Designation</u>	<u>Sulfur Content (ppm)</u>
<u>Ultra Low Sulfur Diesel</u>	<u>no more than 15</u>
<u>Low Sulfur Diesel</u>	<u>15 – 500 (incl.)</u>
<u>High Sulfur Diesel</u>	<u>500 – 5000 (incl.)</u>

~~(7)(6)~~ All gasoline motor fuel kept, offered, or exposed for sale, or sold, at retail, containing at least one percent but no more than 10% by volume of ethanol, methanol, or a combination shall be identified as “contains 10% or less or 1-10% ethanol,” “contains 10% or less or 1-10% methanol,” or “contains 10% or less or 1-10% ethanol/methanol” on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver’s position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(8) All alternative fuel kept, offered, or exposed for sale, or sold, at retail that contains more than 10% ethanol, methanol or other alcohol shall be identified by a name indicating the amount and type(s) of ethanol, methanol or other alcohol in the fuel on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver’s position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(a) Fuels classified as alternative fuels with an ethanol content of 85% or more, but no less than 70%, shall be identified as ‘E85 Fuel Ethanol’.

(b) Fuels classified as alternative fuels with a methanol content of 85% or more, but no less than 70%, shall be identified as ‘M85 Fuel Methanol’.

(c) Fuels classified as alternative fuels with an alcohol content (other than methanol or ethanol) of 85%, but no less than 70%, shall be identified in a similar fashion as those in paragraphs (a) and (b).

(9) All alternative fuel kept, offered, or exposed for sale, or sold, at retail that contains more than 5% biodiesel shall be identified as “Biodiesel fuel (BXX),” where XX represents the volume percent biodiesel in the fuel, on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver’s position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(10) Any other alternative fuel as defined by this section shall be identified on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver’s position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

Specific Authority 525.14, 526.09 FS. Law Implemented 525.01, 525.035, 525.14, 526.01(1),(3) FS. History—Amended 12-31-74, 2-13-80, 5-3-83, 4-22-85, Formerly 5F-2.03, Amended 11-28-89, 1-24-93, 11-24-94,_____.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44.

The general code and codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, 2005 ~~2004~~ Edition, published by U.S. Department of Commerce are adopted by reference as rules of the Department of Agriculture and Consumer Services. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or at <http://ts.nist.gov/ts/htdocs/230/235/pubs.htm>.

Specific Authority 525.14, 531.40, 531.41(3) FS. Law Implemented 525.07, 531.40 FS. History—New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04,_____.

5F-2.016 Guidelines for Imposing Administrative Penalties.

(1) through (5)(d) No change.

The administrative fine will be a sum of the assigned monetary amounts of these factors. These factors will be assigned monetary amounts in the following manner:

1. The degree of harm is determined by the severity and nature of the violation and the extent of harm will be determined by the amount of substandard product sold.

a. Severity and Nature of the Violation

Gasoline			
Fine	\$100	\$250	\$500
Distillation: End Point, °F	450-475	476-500	>500
Distillation: 10, 50 & 90% evaporated temperature, °F		all violations	
Vapor Pressure, psi	April-October: >maximum but < 11.5	November-March: >13.5 April-October: >11.5	
Antiknock Index			>2.0 below displayed value
Sulfur			all violations
Gum			all violations
Alcohol/Oxygenates		>maximum but <20%	>20%
Silver Corrosion			all violations

Diesel, Kerosene and Fuel Oils			
Fine	\$100	\$250	\$500
Flash Point, °F	diesel & fuel oils: 80-95. kerosene: 80-91	diesel, kerosene & fuel oils: 60-79	diesel, kerosene & fuel oils: <60
Distillation		diesel, kerosene & fuel oils: all violations	
Sulfur			all violations
Lubricity			all violations

- b. No change.
- 2. through 4. No change.

Specific Authority 525.14 FS. Law Implemented 525.16 FS. History--New 2-24-00, Amended 7-30-02,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Standards
 RULE NO.: 5F-10.001

PURPOSE AND EFFECT: The purpose of Rule 5F-10.001, F.A.C., is to adopt the name change of the American Society for Testing and Materials to ASTM International. The effect will be to incorporate current language into our rule.

SUBJECT AREA TO BE ADDRESSED: The change of name of the international testing society from which the Department adopts specifications and methods of testing for implementation of Section 501.91, F.S.

SPECIFIC AUTHORITY: 570.07(23), 501.921 FS.

LAWS IMPLEMENTED: 501.913, 501.917, 501.921 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, October 25, 2005

PLACE: Bureau of Petroleum Inspection’s Conference Room, 3125 Conner Boulevard, Bldg. #1, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Matthew D. Curran, Ph.D., Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-10.001 Standards.

(1) The performance specifications and standards for glycol base antifreeze are hereby incorporated by reference: ASTM International D 3306-03, “Standard Specification for Glycol Base Engine Coolant for Automobile and Light Duty Service,” (approved September 10, 2003).

(2) The performance specifications and standards for recycled glycol base antifreeze are hereby incorporated by reference: ASTM International D 6471-03, “Standard Specification for Recycled Prediluted Aqueous Glycol Base Engine Coolant (50 Volume % Minimum) for Automobile and Light Duty Service,” (approved November 1, 2003) and ASTM International D 6472-03, “Standard Specification for Recycled Glycol Base Engine Coolant Concentrate for Automobile and Light Duty Service,” (approved November 1, 2003).

(3) Copies of these documents may be obtained from ASTM International ~~the American Society for Testing and Materials~~, 100 Barr Harbor Drive, West Conshohocken, PA 19428 or <http://www.astm.org>.

Specific Authority 570.07(23), 501.921 FS. Law Implemented 501.913, 501.917, 501.921 FS. History--New 10-6-93, Amended 7-5-95, 12-9-98, 6-25-00, 10-22-01, 12-9-02, 12-7-04,_____.

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.”

STATE BOARD OF ADMINISTRATION

RULE TITLE: General Policies and Review Procedures for Investments
 RULE NO.: 19-4.0031

PURPOSE AND EFFECT: To amend a provision referring to a deleted rule.

SUBJECT AREA TO BE ADDRESSED: Amendment of unnecessary reporting provision.

SPECIFIC AUTHORITY: 215.52 FS.

LAW IMPLEMENTED: 215.44, 215.45, 215.47 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., Tuesday, October 25, 2005

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

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

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

Copies of the preliminary text of the proposed rule development may be obtained from: Cindy Morea, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1491, e-mail: morea_cindy@fsba.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON OCTOBER 14, 2005.

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Procedures Regarding Employer Contributions	19-11.001
Beneficiary Designation for FRS Investment Plan	19-11.002
Distributions from the FRS Investment Plan	19-11.003
Excessive Trading in the FRS Investment Plan	19-11.004
FRS Investment Plan Complaint Procedures	19-11.005
Enrollment Procedures for New Hires	19-11.006
Second Election Enrollment Procedures for the FRS Retirement Programs	19-11.007

PURPOSE AND EFFECT: To discuss proposed revisions to conform the above-described rules to legislation enacted during the 2004 legislative session and to discuss a proposed new rule regarding distributions.

SUBJECT AREA TO BE ADDRESSED: Employer contributions; beneficiary designations; distributions; excessive trading; complaint procedures; enrollment procedures; second election procedures.

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

LAW IMPLEMENTED: 120.569, 120.57, 120.573, 121.051, 121.055, 121.091(8), 121.35, 121.4501(2),(3),(4),(5),(6),(8)(a), (9),(13),(14),(15), 121.591(3), 121.73, 121.74, 121.78(3)(b), 215.44(8)(b), 1012.875(3) FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., Tuesday, October 25, 2005

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

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

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

Copies of the preliminary text of the proposed rule development may be obtained from: Cindy Morea, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1491, e-mail: morea_cindy@fsba.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON OCTOBER 14, 2005.

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
The Exclusive Benefit Rule of the Code and Forfeitures	19-12.005
Acceptance of Rollovers	19-12.007

PURPOSE AND EFFECT: To discuss proposed revisions to clarify the use for forfeitures and to conform the rollover rule to legislation enacted during the 2004 legislative session.

SUBJECT AREA TO BE ADDRESSED: IRS and Florida statutory provisions relating to rollovers.

SPECIFIC AUTHORITY: 121.4501(5)(c) FS.

LAW IMPLEMENTED: 121.4501(5)(c) FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., Tuesday, October 25, 2005

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

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

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

Copies of the preliminary text of the proposed rule development may be obtained from: Cindy Morea, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1491, e-mail: morea_cindy@fsba.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON OCTOBER 14, 2005.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Visiting – Forms
 RULE NO.: 33-601.737

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend form DC6-111D, Visitor Information Summary, for consistency with Rule 33-601.717, F.A.C., which provides for permanent denial of a prospective visitor who has been involved in an escape or attempted escape.

SUBJECT AREA TO BE ADDRESSED: Visiting forms.

SPECIFIC AUTHORITY: 944.09, 944.115, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.115, 944.23, 944.8031 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.737 Visiting – Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(1) through (5) No change.

(6) DC6-111D, Visitor Screening Matrix, effective 9-29-03.

Specific Authority 944.09, 944.115, 944.23 FS. Law Implemented 944.09, 944.115, 944.23, 944.8031 FS. History–New 11-18-01, Amended 4-29-02, 9-29-03, 3-31-05, 7-17-05, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Water Levels and Rates of Flow
 RULE CHAPTER NO.: 40D-8

PURPOSE AND EFFECT: To amend Chapter 40D-8, F.A.C., to incorporate the next priority lake pursuant to Section 373.042, F.S.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Lake Panasoffkee in Sumter County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

TIME AND DATE: 4:00 p.m. – 7:30 p.m., Thursday, October 27, 2005

PLACE: Southwest Florida Water Management District, Brooksville Headquarters, Conference Rooms A & B, First Floor, 2379 Broad Street, Brooksville, FL 34604-6899

WHAT: Public workshop on proposed minimum and guidance levels for Lake Panasoffkee in Sumter County, Florida. One or more governing board or basin board members may attend.

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 DEVELOPMENT IS AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa Henningsen, Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4268

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facilities and Agency Licensing

RULE CHAPTER TITLE: Minimum Standards for Home Health Agencies
 RULE CHAPTER NO.: 59A-8

PURPOSE AND EFFECT: The Agency proposes to revise the rules in Chapter 59A-8, F.A.C., to be consistent with the provisions of Chapter 400, Part IV, Florida Statutes, as amended by the 2005 Legislature.

SUBJECT AREA TO BE ADDRESSED: The Agency proposes to add completion of questions concerning volume data to the renewal licensure application as required in Section 400.471(2), F.S., and make other revisions as needed to update the rules to be consistent with the revised statutes. The Agency also proposes to workshop the inclusion of chiropractors as one

of the health professionals that can provide health statements for home health agency employees in subsection 59A-8.0185(2), F.A.C.

SPECIFIC AUTHORITY: 400.471, 400.497 FS.

LAW IMPLEMENTED: 400.462, 400.471, 400.487, 400.491, 400.494, 400.512 FS.

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

TIME AND DATE: 10:00 a.m. – 3:30 p.m., November 2, 2005

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL

Agenda information is available from the contact person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anne Menard, Agency for Health Care Administration, Licensed Home Health Programs Unit, Bureau of Health Facility Regulation, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, (850)414-6010, e-mail: menarda@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Inpatient Mental Health and Tuberculosis Hospital Services

RULE NO.:

59G-4.165

PURPOSE AND EFFECT: Rule 59G-4.165, F.A.C., Inpatient Mental Health and Tuberculosis Hospital Services, is obsolete. Medicaid does not have a tuberculosis hospital program, and the policies that pertain to state mental health hospitals that provide long term inpatient mental health services to Medicaid recipients age 65 and older are being incorporated in a new Rule 59G-4.300, F.A.C.

The effect will be to repeal Rule 59G-4.165, F.A.C., Inpatient Mental Health and Tuberculosis Hospital Services.

This notice replaces the Notice of Rule Development for the above reference rule that was published in the Florida Administrative Weekly on September 19, 2003.

SUBJECT AREA TO BE ADDRESSED: Inpatient Mental Health and Tuberculosis Hospital Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908, 409.913 FS.

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

TIME AND DATE: 11:00 a.m., Monday, October 24, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wendy Smith, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7348

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.165 Inpatient Mental Health and Tuberculosis Hospital Services.

Specific Authority 409.919 FS. Law Implemented 409.905(5), 409.906(18), 409.908, 409.913(5)(e), 409.913(8)(h) FS. History—New 1-1-77, Revised 10-1-77, Amended 3-10-83, Formerly 10C-7.46, Amended 5-26-93, Formerly 10C-7.046, Repealed.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: State Mental Health Hospital Services

RULE NO.:

59G-4.300

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Medicaid State Mental Health Hospital Services Coverage and Limitations Handbook, September 2005. The revised handbook contains changes required by the Health Insurance Portability and Accountability Act (HIPAA). The effect will be to incorporate by reference in the rule the revised Florida Medicaid State Mental Health Hospital Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: State Mental Health Hospital Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

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

TIME AND DATE: 11:00 a.m., Monday, October 24, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wendy Smith, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7348

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.300 State Mental Health Hospital Services.

(1) This rule applies to state mental health hospitals that provide long term inpatient mental health services to Medicaid recipients age 65 and older who meet the Medicaid Institutional Care Program eligibility requirements.

(2) All state mental hospitals that provide long term inpatient mental health services to Medicaid recipients age 65 and older who meet the Medicaid Institutional Care Program eligibility requirements must in compliance with the provisions of the Florida Medicaid State Mental Health Hospital Services Coverage and Limitations Handbook, September 2005, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Institutional 021, which is incorporated in Rule 59G-4.200, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908 FS. History—New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Aged and Disabled Adult Waiver Services
 RULE NO.: 59G-13.030

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference update August 2005 to the Florida Medicaid Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook. The handbook was updated to clarify the following policies. Adult companion providers and homemaker and homemaker providers may be individual homemakers or homemaker and companion agencies. Only homemaking and companion agencies must be registered with the Agency for Health Care Administration (AHCA), Division of Health Quality Assurance (HQA), in accordance with Chapter 400, F.S. Homemakers, sitters and companions are not registered by AHCA to provide respite services. Additional information was added to the reimbursements per unit and maximum limits on the Aged and Disabled Adult Waiver Services Procedure Codes and Fee Schedule. The reimbursements and limits were not changed, but reworded to clarify the policy.

SUBJECT AREA TO BE ADDRESSED: Aged and Disabled Adult Waiver Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 24, 2005

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Carol Schultz, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7349

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.030 Aged and Disabled Adult Waiver Services.

(1) No change.

(2) All aged and disabled adult waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook, March 2004, updated August 2005, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081 which is incorporated by reference in Rule 59G-13.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) No change.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.912 FS. History—New 6-1-05, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE TITLE: Licensing and Inspection Requirements
 RULE NO.: 61C-1.002

PURPOSE AND EFFECT: This rule amends paragraph (1)(d), Inspection Frequency.

SUBJECT AREA TO BE ADDRESSED: This rule will amend the inspection time from a minimum of three years to a minimum of two years pursuant to Section 509.032(2)(a), F.S.

SPECIFIC AUTHORITY: 509.032(2)(a) FS.

LAW IMPLEMENTED: 509.032(6) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Jennifer Causseaux, (850)414-7677. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT IS: Jennifer Causseaux, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, FL 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE UPON REQUEST.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneer

RULE CHAPTER TITLE: Licensure
 RULE CHAPTER NO.: 61G2-2

PURPOSE AND EFFECT: To address reactivation of void licenses.

SUBJECT AREA TO BE ADDRESSED: Licensure.

SPECIFIC AUTHORITY: 455.02, 455.271, 468.384(2), 468.387 FS.

LAW IMPLEMENTED: 120.60(2), 455.217(1)(b), 455.271, 455.02, 468.384(2), 468.385, 468.385(1),(7), 468.387 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: Anthony Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLES: Obligations of Continuing
 Education Providers
 APPROVAL OF CLASSES

RULE NOS.: 61G17-5.0043
 61G17-5.0051

PURPOSE AND EFFECT: Rule 61G17-5.0043, F.A.C., updates the time period that continuing education providers have to provide DBPR with a list of attendees taking a continuing education course. Rule 61G17-5.0043, F.A.C., expands the obligations of continuing education providers to maintain continuing education provider status. Rule 61G17-5.0051, F.A.C., updates the content of sample continuing education course certificates.

SUBJECT AREA TO BE ADDRESSED: Obligations of Continuing Education Providers; Approval of Classes.

SPECIFIC AUTHORITY: 455.219, 472.008, 472.011, 472.018 FS.

LAW IMPLEMENTED: 455.2123, 455.2179, 472.018 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: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE TITLE: Definitions
 RULE NO.: 64B-3.001

PURPOSE AND EFFECT: To update the rule text.

SUBJECT AREA TO BE ADDRESSED: Medical Board Standards for Adequacy of Medical Records.

SPECIFIC AUTHORITY: 458.331(1)(m), 459.105(1)(o) FS.

LAW IMPLEMENTED: 458.331(1)(m), 459.105(1)(o) 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: Larry McPherson, Executive Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Fees for Inactive Status and Change
 to Active Status
 RULE NO.: 64B1-2.010

PURPOSE AND EFFECT: To change the fee for reactivation of a license.

SUBJECT AREA TO BE ADDRESSED: Fees for Inactive Status and Change to Active Status.

SPECIFIC AUTHORITY: 456.036(3),(4),(8), 457.104, 457.108(2) FS.

LAW IMPLEMENTED: 456.036(3),(4),(8), 457.108(2) 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: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE CHAPTER TITLE: Continuing Education
 RULE CHAPTER NO.: 64B1-6

PURPOSE AND EFFECT: To address requirements for Continuing Education.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 456.013(9),(7),(8), 456.025, 456.033, 456.036, 457.104, 457.107(3) FS.

LAW IMPLEMENTED: 456.013(7),(8),(9), 456.025, 456.033, 457.107(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLES: Requirements for Certification
 RULE NOS.: 64B9-4.002

Program Guidelines 64B9-4.003

PURPOSE AND EFFECT: For Rule 64B9-4.002, F.A.C., the Board proposes to add to this rule the requirement that after July 1, 2006, applicants for certification as an advanced registered nurse practitioner pursuant to Section 464.012(3), F.S., shall submit proof of national advanced practice certification from an approved nursing specialty board.

For Rule 64B9-4.003, F.A.C., the Board proposes to add to this rule the requirement that programs leading to doctoral degrees be included as programs required to meet the graduation criteria applicable to Advanced Registered Nurse Practitioners.

SUBJECT AREA TO BE ADDRESSED: Requirements for Certification; Program Guidelines.

SPECIFIC AUTHORITY: 456.048, 464.006, 464.012 FS.

LAW IMPLEMENTED: 456.048, 456.072(1)(f),(2), 464.012, 464.018(1)(b),(2) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-4.002 Requirements for Certification.

(1) In accordance with the provisions of Section 464.012, F.S., any person who wishes to be certified as an Advanced Registered Nurse Practitioner shall submit an application to the Department, on forms prescribed by it, as incorporated in subsection 64B9-4.004(1), F.A.C., demonstrating that the applicant holds a current unencumbered license to practice professional nursing in Florida.

(2) Applicant shall submit proof of national advanced practice certification from an approved nursing specialty board ~~as required.~~ After July 1, 2006, applicants for certification as an advanced registered nurse practitioner pursuant to Section 464.012(3), F.S., shall submit proof of national advanced practice certification from an approved nursing specialty board.

(3) through (5) No change.

Specific Authority 456.048, 464.006, 464.012 FS. Law Implemented 456.048, 456.072(1)(f),(2), 464.012, 464.018(1)(b),(2) FS. History—New 8-31-80, Amended 3-16-81, 10-6-82, 6-18-85, Formerly 21O-11.23, Amended 3-19-87, 4-6-92, Formerly 21O-11.023, Amended 3-7-94, 7-4-94, Formerly 61F7-4.002, Amended 5-1-95, 5-29-96, Formerly 59S-4.002, Amended 2-18-98, 11-12-98, 4-5-00, _____.

64B9-4.003 Program Guidelines.

(1) The nurse practitioner certificate program which prepares the registered nurse for advanced or specialized nursing practice as an Advanced Registered Nurse Practitioner shall meet the following criteria:

(a) through (i) No change.

(2) Graduation from a program leading to a master's, ~~or~~ a post-Masters, a doctoral, or post-doctoral degree, which prepares the nurse for advanced or specialized nursing practice as an Advanced Registered Nurse Practitioner shall meet the following criteria:

(a) through (f) No change.

Specific Authority 464.006, 464.012 FS. Law Implemented 456.072(1)(f),(2), 464.012, 464.018(1)(b) FS. History–New 8-31-80, Amended 3-16-81, 2-28-82, 6-18-85, Formerly 21O-11.24, 21O-11.024, 61F7-4.003, Amended 5-29-96, 2-12-97, Formerly 59S-4.003, Amended 4-5-00, _____.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Retired Status
 RULE NO.: 64B10-12.0101

PURPOSE AND EFFECT: The Board proposes this new Rule to establish an application fee for retired status.

SUBJECT AREA TO BE ADDRESSED: Fee Schedule.

SPECIFIC AUTHORITY: 456.025(2) FS.

LAW IMPLEMENTED: 456.025(2) 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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Disciplinary Guidelines; Range of Penalties;
 RULE NO.: 64B10-14.004

Aggravating and Mitigating Circumstances
 PURPOSE AND EFFECT: The Board proposes to amend this Rule to incorporate new grounds of discipline for licensees being terminated from a treatment program.

SUBJECT AREA TO BE ADDRESSED: Disciplinary matters.

SPECIFIC AUTHORITY: 456.072(1)(gg), 456.073(3), 468.1685(1) FS.

LAW IMPLEMENTED: 456.072(1)(gg), 456.073(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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER TITLE: Selection, Participation, Monitoring
 RULE CHAPTER NO.: 64F-1

and Sanctions of Food Vendors in the Special Supplemental Food Program for Women, Infants and Children (WIC)

PURPOSE AND EFFECT: The Department of Health, Bureau of WIC and Nutrition Services will be revising its rules and proposing new rules in order to assure compliance with current provisions of federal law and to clarify and expand the rule chapter for ease of use by the public.

SUBJECT AREA TO BE ADDRESSED: The special supplemental food program for women, infants and children administered by the Department of Health, Bureau of WIC and Nutrition Services.

SPECIFIC AUTHORITY: 383.011(2)(b) FS.

LAW IMPLEMENTED: 383.011(2)(b) 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: John Harrison, WIC Operations Manager, Bin #A16, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1726, (850)245-4202, e-mail: john_harrison@doh.state.fl.us

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

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE TITLES: Definitions
 RULE NOS.: 66B-1.003

Funds Allocation 66B-1.005

Application Process 66B-1.006

Small-Sale Spoil Island Restoration and Enhancement Projects 66B-1.014

Small-Scale Derelict Vessel Removal Projects 66B-1.015

PURPOSE AND EFFECT: The purpose of the proposed rule development is to include the following provisions in the program rule: update and correctly identify the eligible member counties of the District; Update and correctly identify the required forms for the grant application process; and initiate a new program for small-scale derelict vessel removal.

The effect of the rule development is to implement changes in the administration of the District's Waterways Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUBJECT AREA TO BE ADDRESSED: Cooperative Assistance Program rule sections: Definitions, Funds Allocation, Application Process, Small-scale Spoil Island Restoration and Enhancement Projects, Small-Scale Derelict Vessel Removal Projects.

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(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: 11:00 a.m., October 26, 2005

PLACE: The District Office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

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

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE TITLES:	RULE NOS.:
Definitions	66B-2.003
Funds Allocation	66B-2.005
Application Process	66B-2.006
Emergency Applications	66B-2.0061
Small-Scale Spoil Island Restoration and Enhancement Projects	66B-2.014
Small-Scale Derelict Vessel Removal Projects	66B-2.015

PURPOSE AND EFFECT: The purpose of the proposed rule development is to include the following provisions in the program rule: update and correctly identify the eligible member counties of the District; Update and correctly identify the required forms for the grant application process; re-name the emergency grant process to properly reflect its purpose; and initiate a new program for small-scale derelict vessel removal.

The effect of the rule development is to implement changes in the administration of the District's Waterways Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUBJECT AREA TO BE ADDRESSED: Waterways Assistance Program rule sections: Definitions, Funds Allocation, Application Process, Emergency Applications, Small-scale Spoil Island Restoration and Enhancement Projects, Small-Scale Derelict Vessel Removal Projects.

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(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: 11:00 a.m., October 26, 2005

PLACE: The District Office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, (561)627-3386

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

DEPARTMENT OF FINANCIAL SERVICES

Divison of Workers Compensation

RULE CHAPTER TITLE: Rules for Self-Insurers Under the Workers' Compensation Act

RULE CHAPTER NO.: 69L-5

RULE TITLES:	RULE NOS.:
Definitions	69L-5.101
General Requirements	69L-5.102
Application	69L-5.103
Financial Statement or Financial Summary	69L-5.106

PURPOSE AND EFFECT: The amendments update definitions and change the financial reporting requirements from three to one year of audited financial statements for the workers' compensation self-insurance applicants.

SUBJECT AREA TO BE ADDRESSED: Workers' compensation self-insurance applications.

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

LAW IMPLEMENTED: 440.38(1)(b) FS.

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

TIME AND DATE: 2:30 p.m., October 26, 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 32399-4224, (850)413-1608

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-5.101 Definitions.

(1) through (3) No change.

(4) "Financial Statement(s)" – A presentation of financial data, including accompanying notes, derived from accounting records that purports to show financial position and intended to communicate an entity's economic resources or obligations at a point in time, and the results of operations and cash flows for a period of time, in accordance with Generally Accepted Accounting Principles. "Financial Statement" – A Report including the balance sheet, statement of operations, statement of cash flows, statement of changes in capital, and appropriate footnotes for the most recent fiscal year. The financial statements shall be prepared in accordance with the United States Generally Accepted Accounting Principles as set forth in GAAP Interpretation and Application of Generally Accepted Accounting Principles 1996 which is hereby incorporated by reference into Rule Chapter 69L-5, F.A.C. The publication is available for review at 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. The publication may be purchased for \$48. Applicants approved subsequent to January 1, 1997 shall submit financial statements which are audited in accordance with Generally Accepted Auditing Standards. All Amounts in the financial statement shall be stated in United States Currency.

(5) No change.

(6) "Generally Accepted Accounting Principles" – Accounting principles generally accepted in the United States of America in effect as of June 1, 2005, including, but not limited to, Accounting Principles Board Opinions Nos. 1 to 31 as published by the American Institute of Certified Public Accountants, and statements of accounting standards and interpretations thereof, as published by the Financial Accounting Standards Board (FASB). These materials are entitled Original Pronouncements 2005/2006 Edition, vols. I, II, & III, dated June 1, 2005, and available from FASB, 401 Merritt 7, P. O. Box 5116, Norwalk, CT 06856-5116, 1(800)748-0659, <http://www.fasb.org>.

(7) "Generally Accepted Auditing Standards" – Auditing standards generally accepted in the United States of America in effect as of January 1, 2005, including, but not limited to, general, field work and reporting standards approved and adopted by the membership of the American Institute of Certified Public Accountants (AICPA), as amended by the

AICPA Auditing Standards Board (ASB), standards promulgated by the ASB in the form of Statements on Auditing Standards and standards promulgated by the Public Company Accounting Oversight Board (PCAOB). The AICPA materials are entitled Codification of Statements on Auditing Standards, dated January 1, 2005, available from the AICPA at <http://www.cpa2biz.com> or call 1(888)777-7077. The rules and standards of the PCAOB are available at no charge at <http://www.pcaobus.org>.

(6) through (11) renumbered (8) through (13) No change.

Specific Authority 440.38(1)(b),(2)(b), 440.5705, 440.591 FS. Law Implemented 440.38(1)(b),(2), 440.57, 624.24 FS. History–New 10-1-82, Amended 12-17-85, Formerly 38F-5.30, Amended 3-11-87, 8-28-91, 12-19-93, Formerly 38F-5.030, Amended 5-19-97, Formerly 38F-5.101, 4L-5.10, Amended _____.

69L-5.102 General Requirements.

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

(b) Have at least three (3) years' Financial Statements or Financial Summaries in the name of the applicant. The Financial Statements for the most recent year shall be audited in accordance with Generally Accepted Auditing Standards. If the financial statements or financial summaries are prepared on a comparative basis, such statements shall be the most recent fiscal year ending statement and the preceding fiscal year ending statement. If the latest Financial Statement is over six (6) months old at the time of application, an interim statement up to, and including, their latest fiscal quarter must be included and must be certified by a corporate officer.

(3) through (4) No change.

Specific Authority 440.38(1)(b),(6)(2)(b), 440.591 FS. Law Implemented 440.38(1)(b),(6) FS. History–New 5-19-97, Formerly 38F-5.102, 4L-5.102, Amended _____.

69L-5.103 Application.

(1) through (3) No change.

(a) The most recent past three years' Financial Statements in the name of the applicant. The Financial Statements for the most recent year shall be audited in accordance with Generally Accepted Auditing Standards. If the Financial Statements for the two years prior to the most recent year have been audited in accordance with Generally Accepted Auditing Standards, the audit report(s) on these Financial Statements shall also be submitted.

(b) through (g) No change.

(4) No change.

Specific Authority 440.38(1)(b),(6)(2)(b), 440.591 FS. Law Implemented 440.38(1)(b),(6) FS. History–New 5-19-97, Formerly 38F-5.103, 4L-5.103, Amended _____.

69L-5.106 Financial Statement or Financial Summary.

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

(c) The Financial Statement shall be audited in accordance with Generally Accepted Auditing Standards.

(d) Financial Statements submitted for employers currently authorized to self-insure under a privilege granted prior to January 1, 1997, are not required to be audited in accordance with Generally Accepted Auditing Standards.

(3) through (6) No change.

Specific Authority ~~440.38(1)(b),(6),(2)(b)~~, 440.591 FS. Law Implemented ~~440.38(1)(b),(2)(b)~~ FS. History—New 10-1-82, Formerly 38F-5.47, Amended 6-12-91, 12-19-93, 5-14-96, Formerly 38F-5.047, Amended 5-19-97, Formerly 38F-5.106, 4L-5.106, Amended.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers’ Compensation

RULE TITLE: Construction Industry Classification Codes, Descriptions and Operations

RULE NO.:

69L-6.021

PURPOSE AND EFFECT: To amend Rule 69L-6.021, F.A.C., to include class code 5537 “Heating, Ventilation, Air-Conditioning and Refrigeration Systems – Installations, Service and Repair & Drivers,” to the construction classification lists, and adopt the January 2006 edition of the SCOPES® of Basic Manual Classification and 2006 edition of the NCCI Basic Manual.

SUBJECT AREA TO BE ADDRESSED: Construction industry class codes for purposes of workers’ compensation.

SPECIFIC AUTHORITY: 440.02(8), 440.591 FS.

LAW IMPLEMENTED: 440.02(8) FS.

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

TIME AND DATE: 11:30 a.m., November 1, 2005

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, S. E., 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Andrew Sabolic, Policy Coordinator, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.021 Construction Industry Classification Codes, Descriptions and Operations.

(1) The Division adopts the classification codes and descriptions that are specified in the Florida Contracting Classification Premium Adjustment Program, and published in the Florida exception pages of the National Council on Compensation Insurance, Inc. (NCCI), Basic Manual (January 2006 ed. 1996 ed., issued January 21, 2003). For convenience,

the Division lists here the classification codes and descriptions that are published in the Florida exception pages of the Basic Manual and adopted in this rule.

- (a) 0042 Landscape Gardening and Drivers
- (b) 0050 Farm Machinery Operation – By Contractor and Drivers
- (c) 1322 Oil or Gas Well: Cleaning or Swabbing of Old Wells Having Previously Produced Gas or Oil – By Contractor – No Drilling – and Drivers
- (d) 3365 Welding or Cutting NOC and Drivers
- (e) 3719 Oil Still Erection or Repair
- (f) 3724 Machinery or Equipment Erection or Repair NOC and Drivers
- (g) 3726 Boiler Installation or Repair – Steam
- (h) 5020 Ceiling Installation – Suspended Acoustical Grid Type
- (i) 5022 Masonry NOC
- (j) 5037 Painting: Metal Structures – Over Two Stories in Height – and Drivers
- (k) 5040 Iron or Steel: Erection – Frame Structures
- (l) 5057 Iron or Steel: Erection NOC
- (m) 5059 Iron or Steel: Erection – Frame Structures Not Over Two Stories in Height
- (n) 5069 Iron or Steel: Erection – Construction of Dwellings Not Over Two Stories in Height
- (o) 5102 Door, Door Frame or Sash Erection – Metal or Metal Covered
- (p) 5146 Furniture or Fixtures Installation – Portable – NOC
- (q) 5160 Elevator Erection or Repair
- (r) 5183 Plumbing NOC and Drivers
- (s) 5188 Automatic Sprinkler Installation and Drivers
- (t) 5190 Electrical Wiring – Within Buildings and Drivers
- (u) 5213 Concrete Construction NOC
- (v) 5215 Concrete Work – Incidental to the Construction of Private Residence
- (w) 5221 Concrete or Cement Work – Floors, Driveways, Yards, and Sidewalks – and Drivers
- (x) 5222 Concrete Construction in Connection with Bridges or Culverts

(y)	5223	Swimming Pool Construction – Not Iron or Steel – and Drivers	(zz)(yy)	5651	Carpentry – Dwellings – Three Stories or Less
(z)	5348	Stone, Mosaic or Terrazzo or Ceramic Tile Work – Inside	(aaa)(zz)	5703	Building Raising or Moving and Drivers
(aa)	5402	Hothouse Erection – All Operations	(bbb)(aaa)	5705	Salvage Operation – No Wrecking or Any Structural Operations
(bb)	5403	Carpentry NOC	(ccc)(bbb)	6003	Pile Driving
(cc)	5437	Carpentry – Installation of Cabinet Work or Interior Trim	(ddd)(eee)	6005	Jetty or Breakwater Construction – All Operations to Completion and Drivers
(dd)	5443	Lathing and Drivers	(eee)(ddd)	6017	Dam or Lock Construction: Concrete Work – All Operations
(ee)	5445	Wallboard Installation Within Buildings and Drivers	(fff)(eee)	6018	Dam or Lock Construction: Earth Moving or Placing – All Operations
(ff)	5462	Glazier – Away From Shop and Drivers	(ggg)(fff)	6045	Levee Construction – All Operations to Completion and Drivers
(gg)	5472	Asbestos Contractor – Pipe and Boiler Work Exclusively and Drivers	(hhh)(ggg)	6204	Drilling NOC and Drivers
(hh)	5473	Asbestos Contractor – NOC and Drivers	(iii)(hhh)	6206	Oil or Gas Well: Cementing and Drivers
(ii)	5474	Painting or Paperhanging NOC and Shop Operations, Drivers	(jjj)(iii)	6213	Oil or Gas Well: Specialty Tool Operation NOC – By Contractor – All Employees and Drivers
(jj)	5478	Carpet, Linoleum, Vinyl, Asphalt, or Rubber Floor Tile Installation	(kkk)(jjj)	6214	Oil or Gas Well: Perforating of Casing – All Employees and Drivers
(kk)	5479	Insulation Work NOC and Drivers	(lll)(kkk)	6216	Oil or Gas Lease Work NOC – By Contractor and Drivers
(ll)	5480	Plastering NOC and Drivers	(mmm)(lll)	6217	Excavation and Drivers
(mm)	5491	Paperhanging and Drivers	(nnn)(mmm)	6229	Irrigation or Draining System Construction and Drivers
(nn)	5506	Street or Road Construction: Paving or Repaving and Drivers	(ooo)(nnn)	6233	Oil or Gas Pipeline Construction and Drivers
(oo)	5507	Street or Road Construction: Subsurface Work and Drivers	(ppp)(ooo)	6235	Oil or Gas Well: Drilling or Redrilling and Drivers
(pp)	5508	Street or Road Construction: Rock Excavation and Drivers	(qqq)(ppp)	6236	Oil or Gas Well: Installation or Recovery of Casing and Drivers
(qq)	5509	Street or Road Maintenance: County or State Department – and Drivers	(rrr)(qqq)	6237	Oil or Gas Well: Instrument Logging or Survey Work and Drivers
(rr)	5536	Heating and Air Conditioning Duct Work – Shop and Outside – and Drivers	(sss)(rrr)	6251	Tunneling – Not Pneumatic – All Operations
(ss)	<u>5537</u>	<u>Heating, Ventilation, Air-Conditioning and Refrigeration Systems – Installations, Service and Repair & Drivers</u>	(ttt)(sss)	6252	Shaft Sinking – All Operations
(tt)(ss)	5538	Sheet Metal Work – Shop and Outside – NOC and Drivers	(uuu)(ttt)	6260	Tunneling – Pneumatic – All Operations
(uu)(tt)	5551	Roofing – All Kinds and Yard Employees, Drivers	(vvv)(uuu)	6306	Sewer Construction – All Operations and Drivers
(vv)(uu)	5606	Contractor – Executive Supervisor or Construction Superintendent	(www)(vvv)	6319	Gas Main or Connection Construction and Drivers
(ww)(vv)	5610	Cleaner – Debris Removal	(xxx)(www)	6325	Conduit Construction – For Cable or Wires – and Drivers
(xx)(ww)	5613	Cleaner – Debris Removal – Temporary Labor Service	(yyy)(xxx)	6400	Fence Erection – Metal
(yy)(xx)	5645	Carpentry – Detached One or Two Family Dwellings			

- ~~(zzz)(yyy)~~ 7538 Electric Light or Power Line Construction and Drivers
- ~~(aaaa)(zzz)~~ 7601 Telephone, Telegraph or Fire Alarm Construction and Drivers
- ~~(bbbb)(aaaa)~~ 7605 Burglar Alarm Installation or Repair and Drivers
- ~~(cccc)(bbbb)~~ 7611 Telephone or Cable TV Line Installation – Contractors, Underground and Drivers
- ~~(dddd)(eeee)~~ 7612 Telephone or Cable TV Line Installation – Contractors, Overhead, and Drivers
- ~~(eeee)(dddd)~~ 7613 Telephone or Cable TV Line Installation – Contractors, Service Lines and Connections and Drivers
- ~~(ffff)(eeee)~~ 7855 Railroad Construction: Laying or Relaying of Tracks or Maintenance of Way by Contractor – No Work on Elevated Railroads – and Drivers
- ~~(gggg)(ffff)~~ 8227 Construction or Erection – Permanent Yard
- ~~(hhhh)(gggg)~~ 9534 Mobile Crane and Hoisting Service Contractors – NOC – All Operations – Including Yard Employees and Drivers
- ~~(iiii)(hhhh)~~ 9554 Sign Installation, Maintenance, Repair, Removal, or Replacement NOC & Drivers

(2) The Division adopts the definitions published by NCCI, SCOPES® of Basic Manual Classifications (Jan. 2006 2003) that correspond to the classification codes and descriptions adopted in subsection (1) above. The definitions identify the workplace operations that satisfy the criteria of the term “construction industry” as used in the workers’ compensation law. The definitions are hereby incorporated by reference and can be obtained by writing to the Division of Workers’ Compensation, Bureau of Compliance, 200 E. Gaines Street, Tallahassee, Florida 32399-4228.

Specific Authority 440.02(8), 440.591 FS. Law Implemented 440.02(8) FS.; Ch. 2003-412, Section 1, Laws of Florida (repealing parts of Section 440.02(15), F.S.) History—New 10-21-02, Formerly 4L-6.021, Amended 7-4-04.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers’ Compensation

RULE TITLE: Stop Work Orders in Effect Against Successor Corporations or Business Entities
 RULE NO.: 69L-6.031
 PURPOSE AND EFFECT: To interpret and implement Section 440.107(7)(b), Florida Statutes, regarding issuance of stop work orders to successor corporations or business entities.
 SUBJECT AREA TO BE ADDRESSED: Stop work orders to be issued to a successor corporation or business entity where the entity has one or more of the same principals or officers as

the corporation, partnership or sole proprietorship against which the stop work order was issued and are engaged in the same or equivalent trade or activity.

SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(7)(b) FS.

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

TIME AND DATE: 9:30 a.m., November 1, 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 DEVELOPMENT IS: Andrew Sabolic, Bureau Chief, Bureau of Compliance, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.031 Stop Work Orders in Effect Against Successor Corporations and Business Entities.

(1) Section 440.107(7)(b), Florida Statutes, requires that stop work orders and orders of penalty assessment issued against a corporation, partnership, or sole proprietorship shall be in effect against any successor corporation or business entity that has one or more of the same principals or officers as the corporation or partnership against which the stop work order was issued and are engaged in the same or equivalent trade or activity.

(a) For employers engaged in the construction industry, a corporation or business entity and the corporation, partnership, or sole proprietorship that has been issued a stop work order and order of penalty assessment are engaged in the same or equivalent trade or activity if they each perform or have performed business operations that include operations described in at least one classification code listed in Rule 69L-6.021, F.A.C.

(b) For employers engaged in the non-construction industry, a corporation or business entity and the corporation, partnership, or sole proprietorship that has been issued a stop work order and order of penalty assessment are engaged in the same or equivalent trade or activity if they each perform or have performed business operations that include operations described in at least one classification code that is in the manufacturing, goods and services, or the office and clerical industry group listed in subsection (7) of this rule.

(c) For employers that perform business operations described by one of the classification codes in the miscellaneous industry groups listed in subsection (7) of this rule, a corporation or business entity and the corporation, partnership, or sole proprietorship that has been issued a stop work order and order of penalty assessment are engaged in the same or equivalent trade or activity if they each perform or have performed the same business operation described in one of the classification codes contained in the miscellaneous industry groups.

(2) The department hereby adopts the industry groups and the corresponding classification codes and descriptions contained in subsection (7)(a)-(e) of this rule.

(3) A stop work order and order of penalty assessment issued against a corporation, partnership, or sole proprietorship becomes effective against a successor corporation or business entity that has one or more of the same principals or officers as the corporation, partnership, or sole proprietorship against which the stop work order was issued and is engaged in the same or equivalent trade or activity, through service on the successor corporation or business entity of an order applying stop work order and order of penalty assessment to successor corporation or business entity. The order applying stop work order and order of penalty assessment to successor corporation or business entity remains in effect until withdrawn by the department.

(4) In order for the department to withdraw an order applying stop work order and order of penalty assessment to successor corporation or business entity, the department must have released the stop work order in effect against the corporation or business entity which has one or more of the same principals or officers as the successor corporation or business entity; the principal or officer of the corporation, business entity or sole proprietorship against which the stop work order and order of penalty assessment has been served must formally disassociate himself or herself from the corporation, business entity or sole proprietorship against which the order applying stop work order and order of penalty assessment to successor corporation or business entity has been served, and provide satisfactory proof to the department of such disassociation, by sworn statement; or the successor corporation or business entity and the corporation, partnership, or sole proprietorship that has been issued a stop work order and amended order of penalty assessment are no longer engaged in the same or equivalent trade or activity, as determined by the department.

(5) An order applying stop work order and order of penalty assessment shall take effect when served upon the employer or, for a particular worksite, when served at that worksite.

(6) The department shall assess a penalty of \$1,000 per day against an employer for each day that the employer conducts business operations in violation of an order applying stop work order and order of penalty assessment.

(7) List of class codes, descriptions, and industry groups. A complete description of class codes is contained in the SCOPES® of Basic Manual Classifications (Jan. 2006) published by the National Council on Compensation Insurance, Inc. (NCCI) and is available for a fee by calling NCCI at 1(800)622-4123. The SCOPES® list of codes, descriptions and industry groups is as follows:

(a) Industry Group: Manufacturing

<u>Class</u>	<u>Description</u>
1.	<u>1430 SMELTING, SINTERING OR REFINING – LEAD – & DRIVERS</u>
2.	<u>1438 SMELTING, SINTERING OR REFINING-METALS – NOT IRON OR LEAD-NOC & DRIVERS</u>
3.	<u>1452 ORE MILLING & DRIVERS</u>
4.	<u>1463 ASPHALT WORKS & DRIVERS</u>
5.	<u>1472 DISTILLATION – WOOD – & DRIVERS</u>
6.	<u>1473 TURPENTINE OR RESIN MFG-STEAM OR NON-DESTRUCTIVE PROCESS – & DRIVERS</u>
7.	<u>1642 LIME MFG</u>
8.	<u>1699 ROCK WOOL MFG</u>
9.	<u>1701 CEMENT MFG</u>
10.	<u>1741 FLINT GRINDING & DRIVERS</u>
11.	<u>1747 EMERY WORKS & DRIVERS</u>
12.	<u>1748 ABRASIVE WHEEL MFG & DRIVERS</u>
13.	<u>1803 STONE CUTTING OR POLISHING NOC & DRIVERS</u>
14.	<u>1852 ASBESTOS GOODS MFG</u>
15.	<u>1853 MICA GOODS MFG & MICA PREPARING</u>
16.	<u>1860 ABRASIVE PAPER OR CLOTH PREPARATION</u>
17.	<u>1924 WIRE DRAWING OR CABLE MFG – NOT IRON OR STEEL</u>
18.	<u>1925 DIE CASTING MFG</u>
19.	<u>2001 CRACKER MFG</u>
20.	<u>2002 MACARONI MFG</u>
21.	<u>2003 BAKERY & DRIVERS, ROUTE SUPERVISORS</u>
22.	<u>2014 GRAIN MILLING</u>
23.	<u>2016 BREAKFAST FOOD MFG</u>
24.	<u>2021 SUGAR REFINING</u>
25.	<u>2039 ICE CREAM MFG & DRIVERS</u>
26.	<u>2041 CONFECTION MFG</u>
27.	<u>2065 MILK PRODUCTS MFG NOC</u>
28.	<u>2070 CREAMERY & ROUTE SUPERVISORS, DRIVERS</u>
29.	<u>2081 BUTCHERING</u>
30.	<u>2089 PACKING HOUSE-ALL OPERATIONS</u>
31.	<u>2095 MEAT PRODUCTS MFG NOC</u>
32.	<u>2105 FRUIT PACKING</u>
33.	<u>2110 PICKLE MFG</u>
34.	<u>2111 CANNERY NOC</u>
35.	<u>2112 FRUIT EVAPORATING OR PRESERVING</u>
36.	<u>2114 OYSTER PROCESSING</u>
37.	<u>2119 CITRUS PRODUCTS PROCESSING</u>
38.	<u>2121 BREWERY & DRIVERS</u>
39.	<u>2130 SPIRITUOUS LIQUOR DISTILLERY</u>
40.	<u>2131 SPIRITUOUS LIQUOR BOTTLING</u>

41. 2150 ICE MFG	90. 2881 FURNITURE ASSEMBLY – WOOD – FROM MANUFACTURED PARTS
42. 2156 BOTTLING – NOT CARBONATED LIQUIDS-OR SPIRITUOUS LIQUORS – & ROUTE SUPERVISORS.	91. 2883 FURNITURE MANUFACTURING – WOOD – NOC
43. 2157 BOTTLING NOC & ROUTE SUPERVISORS, DRIVERS	92. 2913 RATTAN, WILLOW OR TWISTED FIBER PRODUCTS MFG
44. 2172 CIGARETTE MFG	93. 2915 VENEER PRODUCTS MFG
45. 2174 TOBACCO REHANDLING OR WAREHOUSING	94. 2916 VENEER PRODUCTS MFG-NO VENEER MFG
46. 2211 COTTON BATTING, WADDING OR WASTE MFG	95. 2923 PIANO MFG
47. 2220 YARN OR THREAD MFG-COTTON	96. 2942 PENCIL, PENHOLDER OR CRAYON MFG
48. 2286 WOOL SPINNING AND WEAVING	97. 2960 WOOD PRESERVING & DRIVERS
49. 2288 FELTING MFG	98. 3004 IRON OR STEEL: MANUFACTURING: STEEL MAKING – & DRIVERS
50. 2300 PLUSH MFG	99. 3018 IRON OR STEEL: MANUFACTURING: ROLLING MILL & DRIVERS
51. 2302 SILK THREAD OR YARN MFG	100. 3022 PIPE OR TUBE MFG NOC & DRIVERS
52. 2305 TEXTILE FIBER MFG-SYNTHETIC	101. 3027 ROLLING MILL NOC & DRIVERS
53. 2361 HOSIERY MFG	102. 3028 PIPE OR TUBE MFG-IRON OR STEEL – & DRIVERS
54. 2362 KNIT GOODS MFG NOC	103. 3030 IRON OR STEEL: FABRICATION: IRON OR STEEL WORKS-SHOP-STRUCTURAL – & DRIVERS
55. 2380 WEBBING MFG	104. 3040 IRON OR STEEL: FABRICATION: IRON WORKS-SHOP-ORNAMENTAL – & DRIVERS
56. 2386 LACE MFG	105. 3041 IRON OR STEEL: FABRICATION: IRON WORKS – SHOP – DECORATIVE OR ARTISTIC – &
57. 2388 EMBROIDERY MFG	106. 3042 ELEVATOR OR ESCALATOR MFG
58. 2402 CARPET OR RUG MFG NOC	107. 3064 SIGN MFG – METAL
59. 2413 TEXTILE-BLEACHING, DYEING, MERCERIZING, FINISHING	108. 3066 SHEET METAL WORK – SHOP
60. 2416 YARN DYEING OR FINISHING	109. 3076 FIREPROOF EQUIPMENT MFG
61. 2417 CLOTH PRINTING	110. 3081 FOUNDRY – FERROUS – NOC
62. 2501 CLOTHING MANUFACTURING	111. 3082 FOUNDRY – STEEL CASTINGS
63. 2503 DRESSMAKING OR TAILORING – CUSTOM EXCLUSIVELY	112. 3085 FOUNDRY – NON-FERROUS
64. 2534 FEATHER OR FLOWER MFG – ARTIFICIAL	113. 3110 FORGING WORK – DROP OR MACHINE
65. 2570 MATTRESS OR BOX SPRING MFG	114. 3111 BLACKSMITH
66. 2576 AWNING OR TENT MFG – SHOP	115. 3113 TOOL MANUFACTURING-NOT DROP OR MACHINE FORGED – NOC
67. 2578 BAG OR SACK MFG – CLOTH	116. 3114 TOOL MFG – DROP OR MACHINE FORGED – NOC: MACHINING OR FINISHING OF TOOLS OR
68. 2585 LAUNDRY NOC & ROUTE SUPERVISORS, DRIVERS	117. 3118 SAW MFG
69. 2586 CLEANING OR DYEING & ROUTE SUPERVISORS, DRIVERS	118. 3119 NEEDLE MFG
70. 2589 LAUNDRY AND DRY CLEANING STORE-RETAIL – & ROUTE SUPERVISORS, DRIVERS	119. 3122 CUTLERY MFG NOC
71. 2600 FUR MFG-PREPARING SKINS	120. 3126 TOOL MFG-AGRICULTURAL, CONSTRUCTION, LOGGING, MINING OIL OR ARTESIAN WELL
72. 2623 TANNING	121. 3131 BUTTON OR FASTENER MFG – METAL
73. 2651 SHOE STOCK MFG	122. 3132 NUT OR BOLT MFG
74. 2660 BOOT OR SHOE MFG NOC	123. 3145 SCREW MFG
75. 2670 GLOVE MFG-LEATHER OR TEXTILE	124. 3146 HARDWARE MFG NOC
76. 2683 LUGGAGE MFG	125. 3169 STOVE MFG
77. 2688 LEATHER GOODS MFG NOC	126. 3175 RADIATOR OR HEATER MFG
78. 2710 SAW MILL	127. 3179 ELECTRICAL APPARATUS MFG NOC
79. 2714 VENEER MFG	128. 3180 ELECTRIC OR GAS LIGHTING FIXTURES MFG
80. 2731 PLANING OR MOLDING MILL	129. 3188 PLUMBERS SUPPLIES MFG NOC
81. 2735 FURNITURE STOCK MFG	130. 3220 CAN MFG
82. 2759 BOX OR BOX SHOOK MFG	131. 3223 LAMP OR PORTABLE LANTERN MFG
83. 2790 PATTERN MAKING NOC	132. 3224 AGATE WARE MFG
84. 2797 MOBILE OR TRAILER HOME MFG & DRIVERS	133. 3227 ALUMINUM WARE MFG
85. 2802 CARPENTRY – SHOP ONLY – & DRIVERS	134. 3240 WIRE ROPE MFG – IRON OR STEEL
86. 2812 CABINET WORKS – WITH POWER MACHINERY	135. 3241 WIRE DRAWING – IRON OR STEEL
87. 2835 BRUSH OR BROOM ASSEMBLY	136. 3255 WIRE CLOTH MFG
88. 2836 BRUSH OR BROOM MFG NOC	
89. 2841 WOODENWARE MANUFACTURING NOC	

137.	<u>3257</u>	<u>WIRE GOODS MFG NOC</u>	186.	<u>4061</u>	<u>POTTERY MFG: EARTHENWARE – GLAZED OR PORCELAIN – HAND MOLDED OR CAST</u>
138.	<u>3270</u>	<u>EYELET MFG</u>	187.	<u>4062</u>	<u>POTTERY MFG: PORCELAIN WARE – MECHANICAL PRESS FORMING</u>
139.	<u>3300</u>	<u>BED SPRING OR WIRE MATTRESS MFG</u>	188.	<u>4101</u>	<u>GLASS MFG – & DRIVERS</u>
140.	<u>3303</u>	<u>SPRING MFG</u>	189.	<u>4111</u>	<u>GLASSWARE MFG-NO AUTOMATIC BLOWING MACHINES</u>
141.	<u>3307</u>	<u>HEAT – TREATING – METAL</u>	190.	<u>4112</u>	<u>INCANDESCENT LAMP MFG</u>
142.	<u>3315</u>	<u>BRASS OR COPPER GOODS MFG</u>	191.	<u>4113</u>	<u>GLASS MFG – CUT</u>
143.	<u>3334</u>	<u>TIN FOIL MFG</u>	192.	<u>4114</u>	<u>GLASSWARE MFG NOC</u>
144.	<u>3336</u>	<u>TYPE FOUNDRY</u>	193.	<u>4130</u>	<u>GLASS MERCHANT</u>
145.	<u>3372</u>	<u>ELECTROPLATING</u>	194.	<u>4131</u>	<u>MIRROR MFG</u>
146.	<u>3373</u>	<u>GALVANIZING OR TINNING – NOT ELECTROLYTIC</u>	195.	<u>4133</u>	<u>CATHEDRAL OR ART GLASS WINDOW MFG</u>
147.	<u>3383</u>	<u>JEWELRY MFG</u>	196.	<u>4150</u>	<u>OPTICAL GOODS MFG NOC</u>
148.	<u>3385</u>	<u>WATCH MFG</u>	197.	<u>4206</u>	<u>PULP MFG – GROUND WOOD PROCESS</u>
149.	<u>3400</u>	<u>METAL STAMPED GOODS MFG NOC</u>	198.	<u>4207</u>	<u>PULP MFG – CHEMICAL PROCESS</u>
150.	<u>3507</u>	<u>CONSTRUCTION OR AGRICULTURAL MACHINERY MFG</u>	199.	<u>4239</u>	<u>PAPER MFG</u>
151.	<u>3515</u>	<u>TEXTILE MACHINERY MFG</u>	200.	<u>4240</u>	<u>BOX MFG – SET-UP PAPER</u>
152.	<u>3548</u>	<u>PRINTING OR BOOKBINDING MACHINE MFG</u>	201.	<u>4243</u>	<u>BOX MFG-FOLDING PAPER – NOC</u>
153.	<u>3559</u>	<u>CONFECTION MACHINE MFG</u>	202.	<u>4244</u>	<u>CORRUGATED OR FIBER BOARD CONTAINER MFG</u>
154.	<u>3574</u>	<u>COMPUTING, RECORDING OR OFFICE MACHINE MFG NOC</u>	203.	<u>4250</u>	<u>PAPER COATING</u>
155.	<u>3581</u>	<u>FUEL INJECTION DEVICE MFG</u>	204.	<u>4251</u>	<u>STATIONERY MFG</u>
156.	<u>3612</u>	<u>PUMP MFG</u>	205.	<u>4263</u>	<u>FIBER GOODS MFG</u>
157.	<u>3620</u>	<u>BOILERMAKING</u>	206.	<u>4273</u>	<u>BAG MFG – PAPER</u>
158.	<u>3629</u>	<u>PRECISION MACHINED PARTS MFG NOC</u>	207.	<u>4279</u>	<u>PAPER GOODS MFG NOC</u>
159.	<u>3632</u>	<u>MACHINE SHOP NOC</u>	208.	<u>4282</u>	<u>DRESS PATTERN MFG – PAPER</u>
160.	<u>3634</u>	<u>VALVE MFG</u>	209.	<u>4283</u>	<u>BUILDING OR ROOFING PAPER OR FELT PREPARATION – NO INSTALLATION</u>
161.	<u>3635</u>	<u>GEAR MFG OR GRINDING</u>	210.	<u>4299</u>	<u>PRINTING</u>
162.	<u>3638</u>	<u>BALL OR ROLLER BEARING MFG</u>	211.	<u>4304</u>	<u>NEWSPAPER PUBLISHING</u>
163.	<u>3642</u>	<u>BATTERY MFG-DRY</u>	212.	<u>4307</u>	<u>BOOKBINDING</u>
164.	<u>3643</u>	<u>ELECTRIC POWER OR TRANSMISSION EQUIPMENT MFG</u>	213.	<u>4308</u>	<u>LINOTYPE OR HAND COMPOSITION</u>
165.	<u>3647</u>	<u>BATTERY MFG-STORAGE</u>	214.	<u>4351</u>	<u>PHOTOENGRAVING</u>
166.	<u>3648</u>	<u>AUTOMOTIVE LIGHTING, IGNITION OR STARTING APPARATUS MFG NOC</u>	215.	<u>4352</u>	<u>ENGRAVING</u>
167.	<u>3681</u>	<u>TELEVISION, RADIO, TELEPHONE OR TELECOMMUNICATION DEVICE MFG NOC</u>	216.	<u>4360</u>	<u>MOTION PICTURE: DEVELOPMENT OF NEGATIVES, PRINTING AND ALL SUBSEQUENT</u>
168.	<u>3685</u>	<u>INSTRUMENT MFG NOC</u>	217.	<u>4410</u>	<u>RUBBER GOODS MFG NOC</u>
169.	<u>3803</u>	<u>AUTOMOBILE WHEEL MFG – METAL – NOT CAST</u>	218.	<u>4420</u>	<u>RUBBER TIRE MFG</u>
170.	<u>3807</u>	<u>AUTOMOBILE RADIATOR MFG</u>	219.	<u>4431</u>	<u>PHONOGRAPH RECORD MFG</u>
171.	<u>3808</u>	<u>AUTOMOBILE MFG OR ASSEMBLY</u>	220.	<u>4432</u>	<u>PEN MFG</u>
172.	<u>3822</u>	<u>AUTOMOBILE, BUS, TRUCK OR TRAILER BODY MFG: DIE-PRESSED STEEL</u>	221.	<u>4439</u>	<u>LACQUER OR SPIRIT VARNISH MFG</u>
173.	<u>3824</u>	<u>AUTOMOBILE, BUS, TRUCK OR TRAILER BODY MFG: NOC</u>	222.	<u>4452</u>	<u>PLASTICS MFG: FABRICATED PRODUCTS NOC</u>
174.	<u>3826</u>	<u>AIRCRAFT ENGINE MFG</u>	223.	<u>4459</u>	<u>PLASTICS MFG: SHEETS, RODS, OR TUBES</u>
175.	<u>3827</u>	<u>AUTOMOBILE ENGINE MFG</u>	224.	<u>4470</u>	<u>CABLE MFG – INSULATED ELECTRICAL</u>
176.	<u>3830</u>	<u>AIRPLANE MFG</u>	225.	<u>4484</u>	<u>PLASTICS MANUFACTURING: MOLDED PRODUCTS NOC</u>
177.	<u>3851</u>	<u>MOTORCYCLE MFG OR ASSEMBLY</u>	226.	<u>4493</u>	<u>FABRIC COATING OR IMPREGNATING NOC</u>
178.	<u>3865</u>	<u>BABY CARRIAGE MFG</u>	227.	<u>4557</u>	<u>INK MFG</u>
179.	<u>3881</u>	<u>CAR MFG-RAILROAD – & DRIVERS</u>	228.	<u>4558</u>	<u>PAINT MFG</u>
180.	<u>4021</u>	<u>BRICK MFG NOC & DRIVERS</u>	229.	<u>4561</u>	<u>VARNISH MFG – OLEO – RESINOUS</u>
181.	<u>4024</u>	<u>REFRACTORY PRODUCTS MFG & DRIVERS</u>	230.	<u>4568</u>	<u>SALT BORAX OR POTASH PRODUCING OR REFINING & DRIVERS</u>
182.	<u>4034</u>	<u>CONCRETE PRODUCTS MFG & DRIVERS</u>	231.	<u>4581</u>	<u>PHOSPHATE WORKS & DRIVERS</u>
183.	<u>4036</u>	<u>PLASTER BOARD OR PLASTER BLOCK MFG & DRIVERS</u>	232.	<u>4583</u>	<u>FERTILIZER MFG & DRIVERS</u>
184.	<u>4038</u>	<u>PLASTER STATUARY OR ORNAMENT MFG</u>	233.	<u>4586</u>	<u>AMMONIUM NITRATE MFG</u>
185.	<u>4053</u>	<u>POTTERY MFG: CHINA OR TABLEWARE</u>			

234.	4611	<u>DRUG, MEDICINE OR PHARMACEUTICAL PREPARATION, COMPOUNDING, OR BLENDING – NO</u>	14.	5069	<u>IRON OR STEEL: ERECTION-CONSTRUCTION OF DWELLINGS NOT OVER TWO STORIES IN</u>
235.	4635	<u>OXYGEN OR HYDROGEN MFG & DRIVERS</u>	15.	5102	<u>DOOR, DOOR FRAME OR SASH ERECTION – METAL OR METAL COVERED</u>
236.	4653	<u>GLUE MFG & DRIVERS</u>	16.	5146	<u>FURNITURE OR FIXTURES INSTALLATION – PORTABLE – NOC</u>
237.	4665	<u>RENDERING WORKS NOC & DRIVERS</u>	17.	5160	<u>ELEVATOR ERECTION OR REPAIR</u>
238.	4670	<u>COTTONSEED OIL MFG – MECHANICAL & DRIVERS</u>	18.	5183	<u>PLUMBING NOC & DRIVERS</u>
239.	4683	<u>OIL MFG-VEGETABLE-NOC</u>	19.	5188	<u>AUTOMATIC SPRINKLER INSTALLATION & DRIVERS</u>
240.	4686	<u>OIL MFG – VEGETABLE – SOLVENT EXTRACTION PROCESS</u>	20.	5190	<u>ELECTRICAL WIRING-WITHIN BUILDINGS & DRIVERS</u>
241.	4692	<u>DENTAL LABORATORY</u>	21.	5213	<u>CONCRETE CONSTRUCTION NOC</u>
242.	4693	<u>PHARMACEUTICAL OR SURGICAL GOODS MFG NOC</u>	22.	5215	<u>CONCRETE WORK-INCIDENTAL TO THE CONSTRUCTION OF PRIVATE RESIDENCE</u>
243.	4703	<u>CORN PRODUCTS MFG</u>	23.	5221	<u>CONCRETE OR CEMENT WORK – FLOORS, DRIVEWAYS, YARDS OR SIDEWALK – & DRIVERS</u>
244.	4710	<u>CANDLE MFG</u>	24.	5222	<u>CONCRETE CONSTRUCTION IN CONNECTION WITH BRIDGES OR CULVERTS</u>
245.	4717	<u>BUTTER SUBSTITUTE MFG</u>	25.	5223	<u>SWIMMING POOL CONSTRUCTION, INSTALLATION OR REPAIR - NOT IRON OR STEEL –</u>
246.	4720	<u>SOAP OR SYNTHETIC DETERGENT MFG</u>	26.	5348	<u>TILE, STONE, MOSAIC OR TERRAZZO WORK – INSIDE</u>
247.	4740	<u>OIL REFINING-PETROLEUM – & DRIVERS</u>	27.	5402	<u>HOTHOUSE ERECTION – ALL OPERATIONS</u>
248.	4741	<u>ASPHALT OR TAR DISTILLING OR REFINING & DRIVERS</u>	28.	5403	<u>CARPENTRY NOC</u>
249.	4751	<u>SYNTHETIC RUBBER MFG</u>	29.	5437	<u>CARPENTRY-INSTALLATION OF CABINET WORK OR INTERIOR TRIM</u>
250.	4771	<u>EXPLOSIVES OR AMMUNITION MFG: NOC & DRIVERS</u>	30.	5443	<u>LATHING & DRIVERS</u>
251.	4777	<u>EXPLOSIVES DISTRIBUTORS & DRIVERS</u>	31.	5445	<u>WALLBOARD INSTALLATION WITHIN BUILDINGS & DRIVERS</u>
252.	4825	<u>DRUG, MEDICINE OR PHARMACEUTICAL PREPARATION MFG & INCLUDES MFG OF</u>	32.	5462	<u>GLAZIER – AWAY FROM SHOP & DRIVERS</u>
253.	4828	<u>CHEMICAL BLENDING AND MIXING NOC – ALL OPERATIONS & DRIVERS</u>	33.	5472	<u>ASBESTOS CONTRACTOR – PIPE AND BOILER WORK EXCLUSIVELY & DRIVERS</u>
254.	4829	<u>CHEMICAL MANUFACTURING NOC – ALL OPERATIONS & DRIVERS</u>	34.	5473	<u>ASBESTOS CONTRACTOR – NOC & DRIVERS</u>
255.	4830	<u>CHEMICAL MIXING AND MANUFACT. NOC – ALL OPERATIONS & DRIVERS – FOR USE IN</u>	35.	5474	<u>PAINTING OR PAPERHANGING NOC & SHOP OPERATIONS, DRIVERS</u>
256.	4902	<u>SPORTING GOODS MFG NOC</u>	36.	5478	<u>LINOLEUM, CARPET, VINYL, ASPHALT, OR RUBBER FLOOR TILE INSTALLATION</u>
257.	4923	<u>PHOTOGRAPHIC SUPPLIES MFG</u>	37.	5479	<u>INSULATION WORK NOC & DRIVERS</u>
258.	5951	<u>SERUM, ANTI-TOXIN OR VIRUS MFG & DRIVERS</u>	38.	5480	<u>PLASTERING NOC & DRIVERS</u>
259.	6504	<u>FOOD SUNDRIES MFG NOC – NO CEREAL MILLING</u>	39.	5491	<u>PAPERHANGING & DRIVERS</u>
260.	9501	<u>PAINTING: SHOP ONLY & DRIVERS</u>	40.	5506	<u>STREET OR ROAD CONSTRUCTION: PAVING OR REPAVING & DRIVERS</u>
261.	9505	<u>PAINTING: AUTOMOBILE OR CARRIAGE BODIES</u>	41.	5507	<u>STREET OR ROAD CONSTRUCTION: SUBSURFACE WORK & DRIVERS</u>
262.	9521	<u>HOUSE FURNISHINGS INSTALLATION NOC & UPHOLSTERING</u>	42.	5508	<u>STREET OR ROAD CONSTRUCTION: ROCK EXCAVATION & DRIVERS</u>
263.	9522	<u>UPHOLSTERING</u>	43.	5509	<u>STREET OR ROAD MAINTENANCE OR BEAUTIFICATION & DRIVERS</u>
264.	9600	<u>TAXIDERMIST</u>	44.	5536	<u>AIR CONDITIONING DUCT FABRICATION AND INSTALLATION & DRIVERS</u>
(b) Industry Group: Contracting					
	<u>Class</u>	<u>Description</u>			
1.	0042	<u>LANDSCAPE GARDENING & DRIVERS</u>	45.	5537	<u>HEATING, VENTILATION, AIR-CONDITIONING AND REFRIGERATION SYSEYEM – INSTALLATION, SERVICE AND REPAIR & DRIVERS</u>
2.	0050	<u>FARM MACHINERY OPERATION-BY CONTRACTOR – & DRIVERS</u>	46.	5538	<u>SHEET METAL WORK – SHOP AND OUTSIDE – NOC & DRIVERS</u>
3.	1322	<u>OIL OR GAS WELL: CLEANING OR SWABBING OF OLD WELLS HAVING PREVIOUSLY</u>	47.	5551	<u>ROOFING – ALL KINDS & DRIVERS</u>
4.	3365	<u>WELDING OR CUTTING NOC & DRIVERS</u>	48.	5606	<u>CONTRACTOR – EXECUTIVE SUPERVISOR OR CONSTRUCTION SUPERINTENDENT</u>
5.	3719	<u>OIL STILL ERECTION OR REPAIR</u>	49.	5610	<u>CLEANER – DEBRIS REMOVAL – CONSTRUCTION OR ERECTION CONTRACTOR</u>
6.	3724	<u>MACHINERY OR EQUIPMENT ERECTION OR REPAIR NOC & DRIVERS</u>	50.	5613	<u>CLEANER-DEBRIS REMOVAL – TEMPORARY LABOR SERVICE</u>
7.	3726	<u>BOILER INSTALLATION OR REPAIR – STEAM</u>	51.	5645	<u>CARPENTRY-DETACHED ONE OR TWO FAMILY DWELLINGS</u>
8.	5020	<u>CEILING INSTALLATION – SUSPENDED ACOUSTICAL GRID TYPE</u>	52.	5651	<u>CARPENTRY-DWELLINGS – THREE STORIES OR LESS</u>
9.	5022	<u>MASONRY NOC</u>	53.	5703	<u>BUILDING RAISING OR MOVING & DRIVERS</u>
10.	5037	<u>PAINTING: METAL STRUCTURES – OVER TWO STORIES IN HEIGHT – & DRIVERS</u>	54.	5705	<u>SALVAGE OPERATION – NO WRECKING OR ANY STRUCTURAL OPERATIONS</u>
11.	5040	<u>IRON OR STEEL: ERECTION – FRAME STRUCTURES</u>	55.	6003	<u>PILE DRIVING & DRIVERS</u>
12.	5057	<u>IRON OR STEEL: ERECTION NOC</u>	56.	6005	<u>JETTY OR BREAKWATER CONSTRUCTION – ALL OPERATIONS TO COMPLETION & DRIVERS</u>
13.	5059	<u>IRON OR STEEL: ERECTION – FRAME STRUCTURES NOT OVER TWO STORIES IN HEIGHT</u>			

- 57. 6017 DAM OR LOCK CONSTRUCTION: CONCRETE WORK – ALL OPERATIONS
- 58. 6018 DAM OR LOCK CONSTRUCTION: EARTH MOVING OR PLACING – ALL OPERATIONS & DRIVERS
- 59. 6045 LEVEE CONSTRUCTION – ALL OPERATIONS TO COMPLETION & DRIVERS
- 60. 6204 DRILLING NOC & DRIVERS
- 61. 6206 OIL OR GAS WELL: CEMENTING & DRIVERS
- 62. 6213 OIL OR GAS WELL: SPECIALTY TOOL OPERATION NOC – BY CONTRACTOR – ALL EMPLOYEES
- 63. 6214 OIL OR GAS WELL: PERFORATING OF CASING – ALL EMPLOYEES & DRIVERS
- 64. 6216 OIL OR GAS LEASE WORK NOC – BY CONTRACTOR & DRIVERS
- 65. 6217 EXCAVATION & DRIVERS
- 66. 6229 IRRIGATION OR DRAINAGE SYSTEM CONSTRUCTION & DRIVERS
- 67. 6233 OIL OR GAS PIPELINE CONSTRUCTION & DRIVERS
- 68. 6235 OIL OR GAS WELL: DRILLING OR REDRILLING & DRIVERS
- 69. 6236 OIL OR GAS WELL: INSTALLATION OR RECOVERY OF CASING & DRIVERS
- 70. 6237 OIL OR GAS WELL: INSTRUMENT LOGGING OR SURVEY WORK & DRIVERS
- 71. 6251 TUNNELING – NOT PNEUMATIC – ALL OPERATIONS
- 72. 6252 SHAFT SINKING – ALL OPERATIONS
- 73. 6260 TUNNELING – PNEUMATIC – ALL OPERATIONS
- 74. 6306 SEWER CONSTRUCTION – ALL OPERATIONS & DRIVERS
- 75. 6319 GAS MAIN OR CONNECTION CONSTRUCTION & DRIVERS
- 76. 6325 CONDUIT CONSTRUCTION – FOR CABLES OR WIRES – & DRIVERS
- 77. 6400 FENCE ERECTION – METAL
- 78. 7538 ELECTRIC LIGHT OR POWER LINE CONSTRUCTION & DRIVERS
- 79. 7601 TELEPHONE, TELEGRAPH OR FIRE ALARM LINE CONSTRUCTION & DRIVERS
- 80. 7605 BURGLAR ALARM INSTALLATION OR REPAIR & DRIVERS
- 81. 7611 TELEPHONE OR CABLE TV LINE INSTALLATION- CONTRACTORS, UNDERGROUND & DRIVERS
- 82. 7612 TELEPHONE OR CABLE TV LINE INSTALLATION- CONTRACTORS, OVERHEAD & DRIVERS
- 83. 7613 TELEPHONE OR CABLE TV LINE INSTALLATION- CONTRACTORS, SERVICE LINES AND
- 84. 7855 RAILROAD CONSTRUCTION: LAYING OR RELAYING OF TRACKS OR MAINTENANCE OF WAY
- 85. 8227 CONSTRUCTION OR ERECTION PERMANENT YARD
- 86. 9534 MOBILE CRANE AND HOISTING SERVICE CONTRACTORS – NOC – ALL OPERATIONS – INCLUDING
- 87. 9554 Sign Installation, Maintenance, Repair or Removal & Drivers

(c) Industry Group: Office & Clerical

- | Class | Description |
|----------|---|
| 1. 4361 | <u>PHOTOGRAPHER – ALL EMPLOYEES & CLERICAL, SALESPERSONS, DRIVERS</u> |
| 2. 7610 | <u>RADIO OR TELEVISION BROADCASTING STATION – ALL EMPLOYEES & CLERICAL, DRIVERS</u> |
| 3. 8601 | <u>ARCHITECT OR ENGINEER – CONSULTING</u> |
| 4. 8721 | <u>REAL ESTATE APPRAISAL COMPANIES – OUTSIDE EMPLOYEES</u> |
| 5. 8742 | <u>SALESPERSONS, COLLECTORS OR MESSENGERS – OUTSIDE</u> |
| 6. 8748 | <u>AUTOMOBILE SALESPERSONS</u> |
| 7. 8755 | <u>LABOR UNION – ALL EMPLOYEES</u> |
| 8. 8800 | <u>MAILING OR ADDRESSING CO. & CLERICAL</u> |
| 9. 8803 | <u>AUDITORS, ACCOUNTANT OR FACTORY COST OR OFFICE SYSTEMATIZER – TRAVELING</u> |
| 10. 8810 | <u>CLERICAL OFFICE EMPLOYEES NOC</u> |
| 11. 8820 | <u>ATTORNEY – ALL EMPLOYEES & CLERICAL, MESSENGERS, DRIVERS</u> |

- 12. 8832 PHYSICIAN & CLERICAL
- 13. 8833 HOSPITAL: PROFESSIONAL EMPLOYEES
- 14. 8861 CHARITABLE OR WELFARE ORGANIZATION – PROFESSIONAL EMPLOYEES & CLERICAL
- 15. 8868 COLLEGE: PROFESSIONAL EMPLOYEES & CLERICAL
- 16. 8869 CHILD DAY CARE CENTER: PROFESSIONAL EMPLOYEES AND CLERICAL, SALESPERSONS
- 17. 8871 CLERICAL TELECOMMUTER EMPLOYEES
- 18. 8901 TELEPHONE OR TELEGRAPH CO.: OFFICE OR EXCHANGE EMPLOYEES & CLERICAL
- 19. 9012 BUILDINGS-OPERATION – BY OWNER, LESSEE, OR REAL ESTATE MANAGEMENT FIRM:
- 20. 9156 THEATER NOC: PLAYERS, ENTERTAINERS OR MUSICIANS

(d) Industry Group: Goods & Services

- | Class | Description |
|----------|---|
| 1. 0005 | <u>FARM: NURSERY EMPLOYEES & DRIVERS</u> |
| 2. 0008 | <u>FARM: GARDENING – MARKET OR TRUCK – & DRIVERS</u> |
| 3. 0016 | <u>FARM: ORCHARD & DRIVERS</u> |
| 4. 0030 | <u>SUGAR CANE PLANTATION & DRIVERS</u> |
| 5. 0034 | <u>FARM: POULTRY OR EGG PRODUCER & DRIVERS</u> |
| 6. 0035 | <u>FARM: FLORIST & DRIVERS</u> |
| 7. 0036 | <u>FARM: DAIRY & DRIVERS</u> |
| 8. 0037 | <u>FARM: FIELD CROPS & DRIVERS</u> |
| 9. 0052 | <u>ORCHARD AND GROVE OWNERS AND OPERATORS-ALL OPERATIONS & DRIVERS</u> |
| 10. 0079 | <u>FARM: BERRY OR VINEYARD & DRIVERS</u> |
| 11. 0083 | <u>FARM: CATTLE OR LIVESTOCK RAISING NOC & DRIVERS</u> |
| 12. 0113 | <u>FARM: FISH HATCHERY & DRIVERS</u> |
| 13. 0153 | <u>LAWN OR SHRUB SPRAYING & DRIVERS</u> |
| 14. 0170 | <u>FARM: ANIMAL RAISING & DRIVERS</u> |
| 15. 0173 | <u>BERRY FARM & DRIVERS</u> |
| 16. 0400 | <u>COTTON COMPRESSING & DRIVERS</u> |
| 17. 0401 | <u>COTTON GIN OPERATION & LOCAL MANAGERS, DRIVERS</u> |
| 18. 0908 | <u>DOMESTIC WORKERS – INSIDE – OCCASIONAL</u> |
| 19. 0909 | <u>DOMESTIC WORKERS – OUTSIDE – OCCASIONAL – INCLUDING OCCASIONAL PRIVATE CHAUFFEURS</u> |
| 20. 0912 | <u>DOMESTIC WORKERS – OUTSIDE – INCLUDING PRIVATE CHAUFFEURS</u> |
| 21. 0913 | <u>DOMESTIC WORKERS – INSIDE</u> |
| 22. 0917 | <u>DOMESTIC SERVICE CONTRACTOR – INSIDE</u> |
| 23. 2587 | <u>TOWEL OR TOILET SUPPLY CO. & ROUTE SUPERVISORS, DRIVERS</u> |
| 24. 3821 | <u>AUTOMOBILE RECYCLING & DRIVERS</u> |
| 25. 4362 | <u>MOTION PICTURE: FILM EXCHANGE & PROJECTION ROOMS, CLERICAL</u> |
| 26. 4511 | <u>ANALYTICAL CHEMIST</u> |
| 27. 5191 | <u>OFFICE MACHINE INSTALLATION, INSPECTION, ADJUSTMENT OR REPAIR</u> |
| 28. 5192 | <u>VENDING OR COIN OPERATED MACHINES – INSTALLATION, SERVICE OR REPAIR & SALESPERSON, DRIVERS</u> |
| 29. 7204 | <u>GREYHOUND BREEDING, TRAINING AND RACING & DRIVERS</u> |
| 30. 7390 | <u>BEER OR ALE DEALER – WHOLESALE & DRIVERS</u> |
| 31. 8001 | <u>STORE: FLORIST & DRIVERS</u> |
| 32. 8002 | <u>AUTOMOBILE RENTAL CO.: ALL OTHER EMPLOYEES & COUNTER PERSONNEL, DRIVERS</u> |
| 33. 8006 | <u>GASOLINE STATION: SELF-SERVICE AND GROCERY – RETAIL OR STORE: GROCERY – RETAIL</u> |
| 34. 8008 | <u>STORE: CLOTHING, WEARING APPAREL OR DRY GOODS – RETAIL</u> |

35.	8010	<u>STORE: HARDWARE</u>	82.	8385	<u>BUS CO.: GARAGE EMPLOYEES</u>
36.	8013	<u>STORE: JEWELRY</u>	83.	8392	<u>AUTOMOBILE STORAGE GARAGE OR PARKING STATION & DRIVERS</u>
37.	8015	<u>COPYING OR DUPLICATING SERVICE – ALL EMPLOYEES & CLERICAL, SALESPERSONS</u>	84.	8393	<u>AUTOMOBILE BUMPER REPAIR</u>
38.	8017	<u>STORE: RETAIL NOC</u>	85.	8500	<u>METAL SCRAP DEALER & DRIVERS</u>
39.	8018	<u>STORE: WHOLESALE NOC</u>	86.	8606	<u>GEOPHYSICAL EXPLORATION-SEISMIC – ALL EMPLOYEES & DRIVERS</u>
40.	8021	<u>STORE: MEAT, FISH OR POULTRY DEALER – WHOLESALE</u>	87.	8719	<u>STEVEDORING: TALLIERS AND CHECKING CLERKS ENGAGED IN CONNECTION WITH</u>
41.	8031	<u>STORE: MEAT, FISH OR POULTRY-RETAIL</u>	88.	8720	<u>INSPECTION OF RISKS FOR INSURANCE OR VALUATION PURPOSES NOC</u>
42.	8032	<u>STORE: CLOTHING, WEARING APPAREL OR DRY GOODS – WHOLESALE</u>	89.	8745	<u>NEWS AGENT OR DISTRIBUTOR OF MAGAZINES OR OTHER PERIODICALS – NOT RETAIL</u>
43.	8033	<u>STORE: MEAT, GROCERY AND PROVISION STORES COMBINED – RETAIL NOC</u>	90.	8824	<u>RETIREMENT LIVING CENTERS: HEALTH CARE EMPLOYEES</u>
44.	8039	<u>STORE: DEPARTMENT – RETAIL</u>	91.	8825	<u>RETIREMENT LIVING CENTERS: FOOD SERVICE EMPLOYEES</u>
45.	8044	<u>STORE: FURNITURE & DRIVERS</u>	92.	8826	<u>RETIREMENT LIVING CENTERS: ALL OTHER EMPLOYEES, SALESPERSONS & DRIVERS</u>
46.	8045	<u>DRUG – RETAIL</u>	93.	8829	<u>CONVALESCENT OR NURSING HOME – ALL EMPLOYEES</u>
47.	8046	<u>STORE: AUTOMOBILE PARTS & ACCESSORIES – NOC & DRIVERS</u>	94.	8831	<u>HOSPITAL – VETERINARY & DRIVERS</u>
48.	8047	<u>STORE: DRUG – WHOLESALE</u>	95.	8835	<u>NURSING – HOME HEALTH, PUBLIC AND TRAVELING – ALL EMPLOYEES</u>
49.	8050	<u>STORE: FIVE AND TEN CENT</u>	96.	8841	<u>NURSING HOME: PROFESSIONAL EMPLOYEES</u>
50.	8058	<u>BUILDING MATERIAL DEALER-NEW MATERIALS ONLY: STORE EMPLOYEES</u>	97.	9000	<u>JANITORIAL SERVICE BY CONTRACTOR: NO WINDOW CLEANING</u>
51.	8061	<u>GASOLINE STATION: SELF-SERVICE AND CONVENIENCE – RETAIL OR STORE:</u>	98.	9001	<u>JANITORIAL SERVICE BY CONTRACTOR: INCLUDES WINDOW CLEANING</u>
52.	8072	<u>BOOK, RECORD, COMPACT DISC, SOFTWARE, VIDEO OR AUDIO CASSETTE – RETAIL</u>	99.	9014	<u>BUILDINGS – OPERATION BY CONTRACTORS</u>
53.	8102	<u>SEED MERCHANT</u>	100.	9015	<u>BUILDINGS-OPERATION-BY OWNER, LESSEE, OR REAL ESTATE MANAGEMENT FIRM: ALL</u>
54.	8103	<u>WOOL MERCHANT</u>	101.	9016	<u>ICE-SKATING RINK OPERATION & DRIVERS</u>
55.	8105	<u>STORE: HIDE DEALER</u>	102.	9033	<u>HOUSING AUTHORITY & CLERICAL, SALESPERSONS, DRIVERS</u>
56.	8106	<u>IRON OR STEEL MERCHANT & DRIVERS</u>	103.	9040	<u>HOSPITAL: ALL OTHER EMPLOYEES</u>
57.	8107	<u>MACHINERY DEALER NOC-STORE OR YARD – & DRIVERS</u>	104.	9047	<u>NURSING HOME: ALL OTHER EMPLOYEES</u>
58.	8111	<u>PLUMBERS SUPPLIES DEALER & DRIVERS</u>	105.	9052	<u>HOTEL: ALL OTHER EMPLOYEES & SALESPERSONS, DRIVERS</u>
59.	8116	<u>FARM MACHINERY DEALER – ALL OPERATIONS & DRIVERS</u>	106.	9058	<u>HOTEL: RESTAURANT EMPLOYEES</u>
60.	8203	<u>ICE DEALER & DRIVERS</u>	107.	9059	<u>CHILD DAY CARE CENTER: ALL OTHER EMPLOYEES & DRIVERS</u>
61.	8204	<u>BUILDING MATERIAL YARD & LOCAL MANAGERS, DRIVERS</u>	108.	9060	<u>CLUB-COUNTRY, GOLF, FISHING OR YACHT – & CLERICAL</u>
62.	8209	<u>VEGETABLE PACKING & DRIVERS</u>	109.	9061	<u>CLUB NOC & CLERICAL</u>
63.	8215	<u>HAY, GRAIN, FEED OR FERTILIZER DEALER & LOCAL MANAGERS, DRIVERS – NO MFG</u>	110.	9063	<u>YMCA, YWCA, YMHA OR YWHA, INSTITUTION-ALL EMPLOYEES & CLERICAL</u>
64.	8232	<u>LUMBERYARD NEW MATERIALS ONLY: ALL OTHER EMPLOYEES & YARD, WAREHOUSE,</u>	111.	9082	<u>RESTAURANT NOC</u>
65.	8233	<u>COAL MERCHANT & LOCAL MANAGERS, DRIVERS</u>	112.	9083	<u>RESTAURANT: FAST FOOD</u>
66.	8235	<u>SASH, DOOR OR ASSEMBLED MILLWORK DEALER & DRIVERS</u>	113.	9084	<u>BAR, DISCOTHEQUE, LOUNGE, NIGHT CLUB OR TAVERN</u>
67.	8263	<u>JUNK DEALER & DRIVERS</u>	114.	9089	<u>BILLIARD HALL</u>
68.	8264	<u>BOTTLE DEALER – USED & DRIVERS</u>	115.	9093	<u>ROLLER-SKATING RINK OPERATION</u>
69.	8265	<u>IRON OR STEEL SCRAP DEALER & DRIVERS</u>	116.	9101	<u>COLLEGE: ALL OTHER EMPLOYEES</u>
70.	8273	<u>HORSE RACING</u>	117.	9110	<u>CHARITABLE OR WELFARE ORGANIZATION – ALL OTHER EMPLOYEES & DRIVERS</u>
71.	8274	<u>HORSE RACING</u>	118.	9220	<u>CEMETERY OPERATIONS & DRIVERS</u>
72.	8279	<u>STABLE OR BREEDING FARM & DRIVERS</u>	119.	9410	<u>MUNICIPAL, TOWNSHIP, COUNTY OR STATE EMPLOYEE NOC</u>
73.	8288	<u>LIVESTOCK DEALER OR COMMISSION MERCHANT & SALESPERSONS, DRIVERS</u>	120.	9516	<u>TELEVISION, VIDEO, AUDIO AND RADIO EQUIPMENT SERVICE OR REPAIR & DRIVERS</u>
74.	8291	<u>STORAGE WAREHOUSE – COLD</u>	121.	9519	<u>HOUSEHOLD AND COMMERCIAL APPLIANCES – ELECTRICAL – INSTALLATION, SERVICE OR</u>
75.	8292	<u>STORAGE WAREHOUSE NOC</u>	122.	9586	<u>BARBER SHOP</u>
76.	8293	<u>STORAGE WAREHOUSE-FURNITURE & DRIVERS</u>	123.	9620	<u>FUNERAL DIRECTOR & DRIVERS</u>
77.	8304	<u>GRAIN ELEVATOR OPERATION & LOCAL MANAGERS, DRIVERS</u>			(e) Industry Group: Miscellaneous
78.	8350	<u>GASOLINE DEALER & DRIVERS</u>			Class Description
79.	8353	<u>GAS DEALER – LPG & SALESPERSONS, DRIVERS</u>			
80.	8380	<u>AUTOMOBILE SERVICE OR REPAIR CENTER & DRIVERS</u>			
81.	8381	<u>GASOLINE STATION:SELF-SERVICE ONLY – RETAIL</u>	L.	0106	<u>TREE PRUNING, SPRAYING, REPAIRING, TRIMMING OR FUMIGATING & DRIVERS</u>

- 2. 0251 IRRIGATION WORKS OPERATION & DRIVERS
- 3. 1005 COAL MINING – SURFACE & DRIVERS
- 4. 1164 MINING NOC – NOT COAL – UNDERGROUND – & DRIVERS
- 5. 1165 MINING NOC – NOT COAL-SURFACE & DRIVERS
- 6. 1218 PHOSPHATE MINING & DRIVERS
- 7. 1320 OIL OR GAS LEASE OPERATOR – ALL OPERATIONS & DRIVERS
- 8. 1624 QUARRY NOC & DRIVERS
- 9. 1654 QUARRY-CEMENT ROCK – SURFACE-& DRIVERS
- 10. 1655 LIME MFG – QUARRY – SURFACE-& DRIVERS
- 11. 1710 STONE CRUSHING & DRIVERS
- 12. 2702 LOGGING OR LUMBERING & DRIVERS
- 13. 4000 SAND DIGGING & DRIVERS
- 14. 6811 BOAT BUILDING-WOOD – NOC & DRIVERS
- 15. 6834 BOAT BUILDING OR REPAIR & DRIVERS
- 16. 6836 MARINA & DRIVERS
- 17. 6838 BOAT BUILDING OR REPAIR – FIBERGLASS ONLY – & DRIVERS
- 18. 6854 SHIP BUILDING – IRON OR STEEL – NOC & DRIVERS
- 19. 6882 SHIP REPAIR CONVERSION – ALL OPERATIONS & DRIVERS
- 20. 6884 SHIP SCALING
- 21. 7133 RAILROAD OPERATION: NOC – ALL EMPLOYEES & DRIVERS
- 22. 7201 LIVERY OR BOARDING STABLE – NOT SALES STABLE – & DRIVERS
- 23. 7205 DRIVERS AND THEIR HELPERS NOC – INCL. STABLEMEN
- 24. 7219 TRUCKING: NOC – ALL EMPLOYEES & DRIVERS
- 25. 7222 TRUCKING: OIL FIELD EQUIPMENT-ALL EMPLOYEES & DRIVERS
- 26. 7230 TRUCKING: PARCEL OR PACKAGE DELIVERY – ALL EMPLOYEES & DRIVERS
- 27. 7231 TRUCKING: MAIL, PARCEL OR PACKAGE DELIVERY – ALL EMPLOYEES & DRIVERS
- 28. 7232 TRUCKING: MAIL PARCEL OR PACKAGE DELIVERY – UNDER CONTRACT WITH THE U.S.
- 29. 7360 FREIGHT HANDLING NOC
- 30. 7370 TAXICAB CO.: ALL OTHER EMPLOYEES & DRIVERS
- 31. 7380 DRIVERS, CHAUFFEURS & THEIR HELPERS NOC – COMMERCIAL
- 32. 7382 BUS CO.: ALL OTHER EMPLOYEES & DRIVERS
- 33. 7383 COLLEGE OR SCHOOL – SCHOOL BUS DRIVERS
- 34. 7403 AIRCRAFT OR HELICOPTER OPERATION: AIR CARRIER – SCHEDULED OR SUPPLEMENTAL:
- 35. 7405 AIRCRAFT OR HELICOPTER OPERATION: AIR CARRIER – SCHEDULED OR SUPPLEMENTAL:
- 36. 7409 AIRCRAFT OR HELICOPTER OPERATION: AERIAL APPLICATION, SEEDING HERDING OR
- 37. 7420 AIRCRAFT OR HELICOPTER OPERATION: PUBLIC EXHIBITION INVOLVING STUNT
- 38. 7421 AIRCRAFT OR HELICOPTER OPERATION: TRANSPORTATION OF PERSONNEL IN CONDUCT
- 39. 7422 AIRCRAFT OR HELICOPTER OPERATION: SALES OR SERVICE AGENCY: TAXI OR
- 40. 7423 AIRCRAFT OR HELICOPTER OPERATION: ALL OTHER EMPLOYEES & DRIVERS
- 41. 7425 AIRCRAFT OR HELICOPTER OPERATION: NOC – HELICOPTERS: FLYING CREW
- 42. 7431 AIRCRAFT OR HELICOPTER OPERATION: AIR CARRIER COMMUTER – FLYING CREW
- 43. 7502 GAS COMPANY: GAS CO. – NATURAL GAS-LOCAL DISTRIBUTION & DRIVERS
- 44. 7515 OIL OR GAS PIPELINE OPERATION & DRIVERS
- 45. 7520 WATERWORKS OPERATION & DRIVERS
- 46. 7539 ELECTRIC LIGHT OR POWER CO. NOC – ALL EMPLOYEES & DRIVERS
- 47. 7540 ELECTRIC LIGHT OR POWER COOPERATIVE-REA PROJECT ONLY-ALL EMPLOYEES &
- 48. 7580 SEWAGE DISPOSAL PLANT OPERATION & DRIVERS
- 49. 7590 GARBAGE WORKS
- 50. 7600 TELEPHONE OR TELEGRAPH CO.: ALL OTHER EMPLOYEES & DRIVERS
- 51. 7704 FIREFIGHTERS & DRIVERS
- 52. 7720 POLICE OFFICERS & DRIVERS
- 53. 9019 BRIDGE OR VEHICULAR TUNNEL OPERATION & DRIVERS
- 54. 9102 PARK NOC-ALL EMPLOYEES & DRIVERS
- 55. 9154 THEATER NOC: ALL OTHER EMPLOYEES
- 56. 9178 ATHLETIC TEAM OR PARK: NON – CONTACT SPORTS
- 57. 9179 ATHLETIC TEAM OR PARK: CONTACT SPORTS
- 58. 9180 AMUSEMENT DEVICE OPERATION NOC – NOT TRAVELING – & DRIVERS
- 59. 9182 ATHLETIC TEAM OR PARK: OPERATION & DRIVERS
- 60. 9186 CARNIVAL, CIRCUS OR AMUSEMENT DEVICE OPERATOR – TRAVELING – ALL EMPLOYEES &
- 61. 9402 STREET CLEANING & DRIVERS
- 62. 9403 GARBAGE, ASHES OR REFUSE COLLECTION & DRIVERS

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7)(b) FS. History–New _____

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: _____ RULE NO.: _____

Procedures for Withdrawal, Surrender of Certificate of Authority, or Discontinuance of Writing Insurance in this State Pursuant to Section 624.430, Florida Statutes 690-141.020

PURPOSE AND EFFECT: To properly implement and interpret Section 624.430, F.S., by not requiring the Office to issue an order to accept surrender, it can be deemed approved via operation of the statute or accepted by order depending on the circumstances. The proposed rule would assist in the administration of the statutes by the Office.

SUBJECT AREA TO BE ADDRESSED: Administrative Supervision and Withdrawal.

SPECIFIC AUTHORITY: 624.308(1), 624.6012 FS.

LAW IMPLEMENTED: 624.307(1), 624.430, 624.6011, 624.6012 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: 3:00 p.m., October 25, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Dawson, Esq., Office of Insurance Regulation, e-mail: susan.dawson@fldfs.com

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

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Initial Notice	690-154.303
Notice of Occurrence of a Qualifying Event	690-154.304
Election and Premium Notice Form	690-154.305
Billing and Payment of Premium	690-154.306

PURPOSE AND EFFECT: These rule amendments provide implementation of COBRA continuation for small groups with fewer than 20 employees, make conforming changes to the rule due to the statutory change and update the form being used. Rule 690-154.303, F.A.C., is repealed as an outdated provision which was only applicable to the initial implementation in 1997.

SUBJECT AREA TO BE ADDRESSED: Health Insurance Policies.

SPECIFIC AUTHORITY: 624.308(1), 627.6692(9) FS.

LAW IMPLEMENTED: 624.307(1), 627.6692(5) FS.

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

TIME AND DATE: 2:00 p.m., November 2, 2005

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

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

Section II
Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Certification Requirements for Supervisors of Elections for Special Qualification Salary

RULE NO.: IS-2.0115

PURPOSE AND EFFECT: The purpose of the proposed rule is to conform with legislative changes in Section 75 of Chapter 2005-277, Laws of Florida, which amended Section 145.09, F.S., relating to special qualification salaries for supervisors of elections. The law clarifies that the Department of State has authority to adopt by rule the certification requirements necessary for the special qualification salary that entitles a certified supervisor of elections to receive an additional \$2,000 per year in salary.

SUMMARY: The proposed rule provides initial and continuing certification requirements involving experience, training and education that supervisors of elections must meet in order to obtain the annual special qualification salary.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 145.09 FS.

LAW IMPLEMENTED: 145.09 FS.

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

TIME AND DATE: 10:30 a.m., Monday, October 31, 2005

PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray Building, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule hearing should contact the Department of State, 1(850)245-6536, no later than October 26, 2005. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 (Copies of the proposed rule may be obtained from the proposed rules webpage on the Division of Elections' website at: <http://election.dos.state.fl.us/index.html> or by contacting the above-named person at 1(850)245-6536.)

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.0115 Certification Requirements for Supervisors of Elections for Special Qualification Salary.

(1) PURPOSE AND APPLICABILITY. This rule is designed to establish requirements for initial and continuing certification of supervisors of elections for purposes of receiving a special qualification salary. The requirements are based primarily on a system of credits which recognizes personal initiative in preparing for and maintaining a wide variety of competencies required to do the work of a supervisor of elections.

(2) INITIAL CERTIFICATION.

(a) In order to obtain initial certification, a supervisor of elections must have:

1. Taken and passed successfully an open book test administered by the Florida State Association of Supervisors of Elections on the provisions of chapters 97 through 106 of the Florida Statutes;

2. Conducted a primary election and a gubernatorial or presidential general election; and

3. Earned fifteen (15) credits which must include at a minimum:

a. Attendance at a mandatory orientation workshop as provided in Area I.

b. A minimum of two-year service as a supervisor of elections as provided in Area III.

c. Five certification credits earned as provided in Area IV.

(b) Credits may be earned in the following five areas:

1. AREA I – MANDATORY ORIENTATION. Within two years after taking office, each newly elected or appointed Supervisor of Elections shall attend a mandatory orientation workshop sponsored by the Florida State Association of Supervisors of Elections. Mandatory orientation workshops will be offered for new Supervisors of Elections after each general election. Mandatory orientation will consist of twelve (12) hours of training in election-related subjects. Twelve (12) hours of training will equal one (1) credit and shall be included as one of the fifteen (15) credits required for initial certification.

2. AREA II – FORMAL EDUCATION. No more than five of the total certification credits may be earned from the following credits in this area:

a. One credit for a high school diploma.

b. One credit, up to a maximum of four, for each successfully completed year of post-secondary higher education in a college, or business school.

c. One credit for each academic or professional degree earned beyond the baccalaureate level.

3. AREA III – EXPERIENCE. No more than five of the total certification credits can be earned from the following credits in this area:

a. One credit for each year served as a Supervisor of Elections.

b. One credit for each year of experience as a Deputy Supervisor of Elections.

4. AREA IV – PARTICIPATION IN TRAINING SEMINARS AND WORKSHOPS. One credit may be earned for each (twelve) 12 hours of participation at events sponsored by the Division of Elections or the Florida State Association of Supervisors of Elections.

5. AREA V – PARTICIPATION IN CONTINUING EDUCATION ACTIVITIES. No more than five of the total certification credits can be earned in this area. One credit may be earned for each twelve (12) hours of participation at continuing education activities approved by Division of Elections as provided in subsection (3).

(c) Each creditable training hour contemplated in Areas I, IV and V shall feature at least 50 minutes of instructional activity programmed for the purpose of mastering information beneficial to the performance of the duties of a supervisor of elections. A supervisor of elections who is unable to attend educational programs conducted may request audio or audiovisual recordings of the proceedings and shall receive full credit accordingly upon the supervisor certifying that he or she has listened to the recordings.

(3) CONTINUING CERTIFICATION. In order to obtain continuing certification, a supervisor of elections must participate annually in a minimum of twenty-four (24) hours in any combination of the following programs, activities, seminars or workshops under paragraphs (a), (b), or (c):

(a) Participation in programs and activities conducted by the Division of Elections or conducted by the Florida State Association of Supervisors of Elections that are approved by the Division of Elections. These programs must emphasize the duties, functions and laws concerning duties of a supervisor of elections.

(b) Participation in training activities approved by the Division of Elections and designed by a university-based person having instructional expertise in any of the following fields having to do with duties of a supervisor of elections:

1. Public administration;

2. Public relations;

3. Stress management;

4. Election law;

5. Staff training;

6. Management information systems; and

7. Voting machines.

(c) Participation in seminars, workshops or conferences sponsored by the Federal Election Commission (FEC), by the International Association of Clerks, Recorders, Elections Officials and Treasurers (IACREOT), by the Election Center or by other organization that have been approved by the Director

of the Division of Elections. Such seminars, workshops, or conferences must cover the following areas of expertise for a supervisor of elections:

1. Public administration;
2. Public relations;
3. Stress management;
4. Election law;
5. Staff training;
6. Management information systems; or
7. Voting machines.

(4) CERTIFICATION APPLICATION FORM. In order to obtain certification, a supervisor of elections must complete form DS-DE 69, titled "Certification Application for Supervisor of Elections Special Qualification Salary," which is incorporated by reference. Such form is available directly from the Division of Elections, 3rd Floor, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, or by calling (850)245-6200, or by downloading the form from the rules webpage at the Division's website at <http://election.dos.state.fl.us/index.html>.

Specific Authority 145.09 FS. Law Implemented 145.09 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Maria I. Matthews, Assistant General Counsel
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sarah Jane Bradshaw, Assistant Director, Division of Elections
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 22, 2005

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Elections Fraud Complaints
 RULE NO.: 1S-2.025
 PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to conform to Chapter 2005-277, Laws of Florida, in which the Division of Elections' authority to conduct preliminary investigations into irregularities or fraud involving voter registration or voting is expanded to include investigations of irregularities or fraud involving candidate or issue petition activities. The proposed rule amendment also replaces the definition for voter fraud with a definition for elections fraud to clarify that the findings of irregularities or fraud must constitute a violation of Chapter 104, Florida Statutes, in order to be referred to prosecuting authorities in accordance with the law. The proposed rule amendment also reflects that the Division of Elections is also able to refer findings to the statewide prosecutor who was given statutory authority to investigate and prosecute any crime involving

voter registration, voting, or candidate or issue petition activities when such activities occur in two or more judicial circuits.

SUMMARY: The rule amendment updates the Elections Fraud Complaint Process and Form.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 106.22(9) FS.

LAW IMPLEMENTED: 97.012(12), 106.22(11) FS.

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

TIME AND DATE: 10:30 a.m., Monday, October 31, 2005

PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray Building, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule hearing should contact the Department of State, (850)245-6536, no later than October 26, 2005. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 (Copies of the proposed rule may be obtained from the proposed rules webpage on the Division of Elections' website at: <http://election.dos.state.fl.us/index.html> or by contacting the above-named person at 1(850)245-6536.)

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.025 Elections Voter Fraud Complaints.

(1) The Division of Elections is charged with maintaining a voter fraud hotline, pursuant to Section 97.012(12), F.S. Any person that contacts the voter fraud hotline will be asked if he wishes to file a complaint alleging elections voter fraud.

(2) The Division of Elections is also charged with conducting preliminary investigations into any complaint of elections fraud.

(a) For purposes of this rule, "elections voter fraud" means any irregularities or fraud arising out or in connection with voter registration or voting, or candidate petition or initiative petition activities that may constitute a violation of a prescribed offense set forth in Chapter 104, F.S. intentional misrepresentation, trickery, deceit, or deception, arising out of

or in connection with voter registration or voting, and the prescribed offenses set forth in Chapter 104, F.S. "Elections Voter fraud" does not include violations of Chapter 106, F.S.

(2) A person acts "intentionally" if he knew or reasonably should have known that the act in question constitutes voter fraud and is prohibited by Chapter 104, F.S.

(3) Any person alleging elections voter fraud may file a written complaint with the Division using Form DS-DE 34, entitled titled "Elections Fraud Complaint, Voter Registration or Voting" (Rev. 9/98) (rev. 01/06), which is hereby incorporated by reference. This form is and available by request from the Division at Room 316, R.A. Gray Building, Tallahassee, Florida 32399-0250, by contacting the Division of Elections at (850)245-6200, or by download from the Division of Elections' website at: <http://election.dos.state.fl.us/index.html>.

(4) To be legally sufficient, a complaint must:

(a) Allege an act or acts of elections voter fraud as defined in subsection (2)(4) above; and

(b) Contain allegations that have been stated with particularity. Mere recitation of statutory language, vague generalizations, absence of specific facts, or hearsay will not support a legally sufficient complaint.

(5)(4) If the Division determines that the complaint is legally sufficient, the Division shall forward the complaint to the Florida Department of Law Enforcement (FDLE) for further investigation. If the complaint is referred to FDLE and FDLE finds probable cause that a violation has occurred, the Division shall report FDLE's findings to the statewide prosecutor or the state attorney for the judicial circuit in which the alleged violation occurred for prosecution. If the Division determines that the complaint is illegally insufficient or FDLE finds no probable cause, the Division shall dismiss the complaint. Otherwise, the Division shall dismiss the complaint for legal deficiency.

Specific Authority 97.012(1),(2),(15), 106.22(9) FS. Law Implemented 97.012(9),(12),(15), 106.22(4) FS. History-New 9-21-98, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Maria Matthews, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sarah Jane Bradshaw, Assistant Director of the Division of Elections

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2005

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Complaint Process for Violations of the National Voter Registration Act of 1993 and the Florida Election Code

RULE NO.: 1S-2.036

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a uniform complaint form that aggrieved persons can use to submit allegations of violations of the National Voter Registration Act (NVRA) or violations of a voter registration or removal procedures under the Florida Election Code.

SUMMARY: This rule provides a uniform complaint form for alleged violations of the NVRA or voter registration or voter removal processes under the Florida Election Code.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 97.023, 97.026 FS.
LAW IMPLEMENTED: 97.012(1),(2),(7),(9), 97.023 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 10:30 a.m., Monday, October 31, 2005
PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray Building, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule hearing should contact the Department of State, (850)245-6536, no later than October 26, 2005. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 (Copies of the proposed rule may be obtained from the proposed rules webpage on the Division of Elections' website at: <http://election.dos.state.fl.us/index.html> or by contacting the above-named person at 1(850)245-6536.)

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.036 Complaint Process for Violations of the National Voter Registration Act of 1993 and the Florida Election Code.

(1) The Florida Department of State has primary jurisdiction to resolve through an informal resolution process complaints submitted by any person who is aggrieved by a violation of the National Voter Registration Act of 1993 or a violation of a voter registration or removal procedure under the Florida Election Code. Such complaints can only be filed under Section 97.023, Florida Statutes, if the alleged violation was committed by the Florida Department of State, a voter registration agency, a supervisor of elections, the Florida Department of Highway Safety and Motor Vehicles, or an Armed Forces Recruitment Center. If the complaint involves the Florida Department of State, a mediator other than a department employee is to be appointed by the Governor.

(2) To initiate the informal dispute resolution process under Section 97.023, Florida Statutes, a person must submit a written complaint to the Florida Department of State. Such person shall use Form DS-DE 118 (eff. 01/06), entitled "NVRA Complaint", which is hereby incorporated by reference. This complaint form may be obtained by contacting the Division of Elections at (850)245-6200, by requesting the form from the Division of Elections, 3rd Floor, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399 or by downloading the form from the Division of Elections home page at: <http://election.dos.state.fl.us/nvra/index.shtml>.

Specific Authority 97.012(9), 97.023 FS. Law Implemented 97.023 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria Matthews, Assistant General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sarah Jane Bradshaw, Assistant Director of the Division of Elections
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2005

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Provisional Ballots
RULE NO.: 1S-2.037

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to conform to changes implemented in Chapter 2005-277 and Chapter 2005-278, Laws of Florida, affecting provisional ballots. In lieu of one certificate form, the rule amendment incorporates three different forms of provisional ballot certificates. The first two forms reflect provisional ballot certificates for use under an optical scan voting system and a touch screen voting system, respectively. The third form is a combined certificate for use in counties where both systems

may be used. In addition, the rule amendment expands and conforms with law the instructions and procedures for processing provisional ballots by the elections official, the supervisor of elections and the canvassing board.

Under the new law, any voter who is challenged at the polls or who fails to provide proper identification at the polls can not vote any ballot other than a provisional ballot. However, the law affords such persons the right to present written evidence within a specified period of time to their respective supervisor of elections. Therefore, the proposed rule amendment requires specific written instructions to be given to provisional ballot voters as to their right to present such written evidence. Instructions regarding their right to present evidence is to be provided in conjunction with instructions given to provisional ballot voters regarding their right to obtain information through the county supervisor of elections' free access system as to whether their provisional ballots were counted.

SUMMARY: The rule amendment updates the certificates and affirmation forms for provisional ballots and instructions to be given provisional ballot voters.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 97.012(1),(2), 101.048 FS.

LAW IMPLEMENTED: 97.053(6), 101.043, 101.048, 101.049, 101.111 FS.

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

TIME AND DATE: 10:30 a.m., Monday, October 31, 2005

PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray Building, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule hearing should contact the Department of State, (850)245-6536, no later than October 26, 2005. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 (Copies of the proposed rule may be obtained from the proposed rules webpage on the Division of Elections' website at: <http://election.dos.state.fl.us/index.html> or by contacting the above-named person at 1(850)245-6536.)

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.037 Provisional Ballots.

(1) Written instructions are to be provided to each person who casts a provisional ballot and shall contain the following:

(a) Information on how to access the respective county supervisor of election's free access system and the information the voter will need to provide to obtain information on whether his or her provisional ballot was counted, and if not, the reason it was not counted.

(b) The statement "If this is a primary election, you should contact the supervisor of elections' office immediately to confirm that you are registered and can vote in the general election."

(c) The statement "You may provide written evidence supporting your eligibility to vote to the Supervisor of Elections at (provide address of the Supervisor) by no later than 5:00 p.m. of the third day following the election."

(d) The statement "If you voted a provisional ballot because you did not have the proper identification, your ballot will be counted if your signature on the provisional ballot Voter's Certificate and Affirmation matches the signature on your registration record and if you voted in the proper precinct. You will not need to provide further written evidence to the Supervisor of Elections."

(2) The Department of State, Division of Elections, is required to establish forms for a Provisional Ballot Envelope Certificates and Affirmations to be used statewide; Form DS DE 49 OS (Eff. 01/06), entitled "Optical Scan, Provisional Ballot Voter's Certificate and Affirmation"; Form DS DE 49 OS/TS (eff. 01/06), entitled "Touch Screen, Provisional Ballot Voter's Certificate and Affirmation"; and Form DS DE 49 OT (eff. 01/06), entitled "Optical Scan/Touchscreen, Provisional Ballot Voter's Certificate and Affirmation," are ~~Form DS DE 49 (Eff. 02/02/2004), which is hereby incorporated by reference. Copies of these forms may be obtained and are available~~ from the Division of Elections, Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, from the Division of Elections website at: <http://election.dos.state.fl.us/index.shtml>, or by contacting the Division of Elections at (850)245-6200.

Specific Authority 97.012(1),(2), 101.048 FS. Law Implemented 97.053(6), 101.043, 101.048, 101.049, 101.111 FS. History--New 2-2-04, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria Matthews, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sarah Jane Bradshaw, Assistant Director of the Division of Elections

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2005

DEPARTMENT OF STATE

Division of Elections

RULE TITLE:

RULE NO.:

Statewide Uniform Voter Registration Application

1S-2.040

PURPOSE AND EFFECT: The primary purpose of the proposed new rule is to implement the requirements of Chapter 2005-277, Laws of Florida, and Chapter 2005-278, Laws of Florida, which affect the content and use of a statewide uniform voter registration application. In addition, the proposed revisions to the application reflect the new voter registration process with the upcoming 2006 implementation of a statewide uniform voter registration system as required by the Help America Vote Act of 2002. Under the Act, the Florida Department of State will have responsibilities in maintaining and administering the Florida Voter Registration System (FVRS) which will contain the official list of registered voters in the state. The Department will also have new responsibilities in association with the Department of Highway Safety and Motor Vehicle to verify and validate the existence or nonexistence of an applicant's valid Florida Driver's License, Florida Identification Card, or social security number if he or she has ever been issued one. Such verification and validation is required even before an application can be processed under state and federal law. Changes in the law also provide for expanded and in some scenarios, mandated use of a statewide uniform application for submitting changes and updates to name, address, political party affiliation or signature which image document and information will be stored in the FVRS.

At a minimum, the application is redesigned: 1) to emphasize the affirmative responses required to certain questions regarding driver's license, identification card, or social security numbers, felony conviction and adjudications of incapacity for purposes of processing the application and subsequent final determinations of eligibility by the supervisors of elections, 2) to reflect the change in the statutory oath, 3) to conform instructions on the identification requirements for certain first-time mail registrants with the new requirements of law, 4) to expand upon the instructions and information at the regarding party affiliation, notice as to confidentiality of certain information, and local and state level contact information, 5) to reflect the replacement of the voter registration identification card with the issuance of a voter information card, and 6) to remove reference to homestead exemption and request for such information.

SUMMARY: The rule provides for the content and form of a uniform statewide voter registration application which is to be used for initial registration and for any changes or updates to a registration record.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 97.012(1),(2), 97.052 FS.

LAW IMPLEMENTED: 97.051, 97.052, 97.053, 97.1073, 98.077, 101.045(2) FS.

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

TIME AND DATE: 10:30 a.m., Monday, October 31, 2005

PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray Building, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule hearing should contact the Department of State, (850)245-6536, no later than October 26, 2005. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 (Copies of the proposed rule may be obtained from the proposed rules webpage on the Division of Elections' website at: <http://election.dos.state.fl.us/index.html> or by contacting the above-named person at 1(850)245-6536.)

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.040 Statewide Uniform Voter Registration Application.

The Department of State, Division of Elections, is required to adopt by rule a uniform statewide voter registration application for use in this state. Form DS-DE 39, entitled "Florida Voter Registration Application" (rev. 01/06), is hereby incorporated by reference. This application is available by request from the Division at Room 316, R.A. Gray Building, Tallahassee, Florida 32399-0250 or by contacting the Division of Elections at (850)245-6200, by download from the Division of Elections' website at: <http://election.dos.state.fl.us/index.html>, or by contacting any supervisor of elections' office.

Specific Authority 97.012(1),(2), 97.052 FS. Law Implemented 97.051, 97.052, 97.053, 97.1031, 98.077, 101.045(2) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Maria I. Matthews, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sarah Jane Bradshaw, Assistant Director of Division of Elections

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

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

RULE TITLES: Organization 5N-1.100
Classification of Licenses; Insurance; Fees 5N-1.116

PURPOSE AND EFFECT: The purpose is to: 1) delete the requirement of a certification of insurance for Class "A" private investigative agencies and Class "R" recovery (repossessor) agencies; 2) amend the certification of insurance form accordingly (DACS 16004); and 3) raise fees for licenses issued under Chapter 493, F.S. The effect is to: 1) conform Rule 5N-1.116, F.A.C., to Section 3, Chapter 2005-143, Laws of Florida; 2) update the certification of insurance form; and 3) increase license fees for applicants for licensure under Chapter 493, F.S.

SUMMARY: Deletes the requirement that Class "A" and Class "R" agencies carry liability insurance; revises form DACS 16004 Certification of Insurance; increases licensing fees; makes minor editorial changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement 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: Section 3, Ch. 2005-143, Laws of Florida, 215.405, 493.6103, 493.6105(3)(j), 493.6107, 493.6202, 493.6302, 493.6402 FS.

LAW IMPLEMENTED: 215.405, 493.6105(1), 493.6105(3)(j), 493.6107, 493.6110, 493.6115(13), 493.6201, 493.6202, 493.6301, 493.6302, 493.6401, 493.6402, 120.54(5)(b)6., 120.55(1)(a), 120.565, 493.6102(6), 493.6105(6), 493.6115(8), 493.6121, 493.6203(2)-(4), 493.6303(2),(3) 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., October 31, 2005

PLACE: Conference Room, 2520 North Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John V. McCarthy, Assistant General Counsel, Department of Agriculture and Consumer Services, Division of Licensing, 2520 North Monroe Street, Tallahassee, FL 32303, (850)245-5506, Fax (850)245-5505

THE FULL TEXT OF THE PROPOSED RULES IS:

5N-1.100 Organization.

The Division of Licensing (Division), Department of Agriculture and Consumer Services (Department) is statutorily empowered with the authority to ensure that the public is protected from private investigation, security, and repossession services by individuals who have a criminal history, or are insufficiently or improperly trained in the field, or are unlicensed, or by agencies that are improperly insured, or are managed in a manner which does not assure compliance with the law and these rules by its licensed employees.

(1) The Division is located at 2520 North Monroe Street, Tallahassee, Florida. The mailing address is: Department of Agriculture and Consumer Services, Division of Licensing, P. O. Box 6687, Tallahassee, Florida 32314. The Division maintains office hours from 8:00 a.m. to 5:00 p.m., Monday through Friday except state holidays.

(2) through (5) No change.

(6) Division Forms. Requests for public information or copies of the following applications and support forms, which are incorporated by reference in this rule, may be made by contacting any Division office. Addresses for each Division office are listed in subsection (2) of this rule.

Firearms Instructors' Training Manual	LC1E100	(eff. 12/94)
Certificate of Firearms Proficiency for Statewide Firearm Permit	DACS-16005	(eff. 7/96)
Election of Rights – Administrative Complaint	DACS-16011	(eff. 8/93)
Election of Rights – License Denial	DACS-16015	(eff. 8/93)
Application for Class “D” Security Officer License	DACS-16007	(eff. 8/95)
Application for Class “G” Statewide Firearm License	DACS-16008	(eff. 8/95)
Personal Inquiry Waiver	DACS-16009	(eff. 1/95)
Disclosure Notice	LC2E009	(eff. 1/95)
Acknowledgment Card – Class “D”	DACS-16037	(eff. 1/95)
Certification of Insurance	DACS-16004	(eff. 1/06 1/95)
Important Notice (Application for Refund Form Enclosed)	LC2E037	(eff. 1/95)
Employee Action Report	DACS-16006	(eff. 1/95)
Application for School or Training Facility License	DACS-16003	(eff. 7/27/04)
Application for Security Officer Instructor License	DACS-16014	(eff. 9/95)
Termination/Completion of Sponsorship for Private Investigator Intern	DACS-16016	(eff. 10/94)

Termination/Completion of Sponsorship for Recovery Agent Intern	DACS-16017	(eff. 10/94)
Application for Private Investigator or Private Investigator Intern License	DACS-16018	(eff. 8/95)
Application for Recovery Agent or Recovery Agent Intern License	DACS-16019	(eff. 1/95)
Application for Firearms Instructor License	DACS-16020	(eff. 7/95)
Application for Manager’s License	DACS-16021	(eff. 7/95)
Application for Agency License	DACS-16022	(eff. 8/95)
Affidavit of Experience – Class “C”	DACS-16023	(eff. 1/95)
Affidavit of Experience – Class “E”	DACS-16024	(eff. 1/95)
Application for Branch Agency License	DACS-16025	(eff. 6/95)
Application for Recovery Agent Instructor License	LC2E160	(eff. 11/95)
Letter of Intent to Sponsor Private Investigator Intern	DACS-16026	(eff. 10/94)
Letter of Intent to Sponsor Recovery Agent Intern	DACS-16027	(eff. 10/94)
Affidavit of Experience – Class “MA”, “MB”, “M”, “MR”	DACS-16028	(eff. 1/95)
Firearms Incident Report	DACS-16001	(eff. 4/93)
Affidavit	DACS-16002	(eff. 2/96)
Temporary Class “G” License – Agency Certification	DACS-16013	(eff. 10/94)
Temporary Class “G” License – Criminal History Background Check	LC3E164	(eff. 10/94)
Revised/Duplicate/Renewal License Request	DACS-16029	(eff. 1/95)
Compliance Inspection Report	DACS-16034	(eff. 7/96)
Intern Biannual Progress Report	DACS-16033	(eff. 10/94)
Security Officer Training Curriculum Guide	LC1E186	(eff. 7/96)
Recovery Agent/Intern Curriculum Guide	LC1E187	(eff. 7/96)
New License Inspection Report	DACS-16030	(eff. 7/96)
School Inspection Report	DACS-16031	(eff. 6/95)
Change of Address	DACS-16032	(eff. 7/96)

Specific Authority 493.6103 FS. Law Implemented 120.54(5)(b)6, ~~120.53, 120.54(5)(b)5~~, 120.55(1)(a), 120.565, 493.6102(6), 493.6105(6), 493.6115(8), 493.6121, 493.6203(2)-(4), 493.6303(2),(3) FS. History–New 2-4-91, Amended 7-31-96, 2-17-00, Formerly 1C-3.100, Amended _____.

5N-1.116 Classification of Licenses; Insurance; Fees.

(1) No change.

(2) Insurance. Each Class “A”, “B” or “R” agency must file Form DACS-16004, Certification of Insurance, as incorporated in subsection 5N-1.100(4), F.A.C., and available at <http://licweb.doacs.state.fl.us/forms/index.html>, evidencing commercial general liability coverage issued by an insurance company licensed in Florida that which provides coverage for the actions of all licensed employees in an amount and manner as delineated in Section 493.6110, F.S.

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

(3) License and Fingerprint Fees.

(a) The fees for biennial licenses under this chapter are as follows:

1. Class “A” license. Private Investigative Agency: ~~\$450~~ \$375,

2. Class “B” license. Security Agency: ~~\$450~~ \$375,

3. Class “R” license. Recovery Agency: ~~\$450~~ \$375,

4. Class “C” license. Private Investigator: ~~\$75~~ \$60,

5. Class “D” license. Security Officer: ~~\$45~~ \$30,

6. Class “E” license. Recovery Agent: ~~\$75~~ \$60,

7. Class “CC” license. Private Investigator Intern License: ~~\$60~~ \$50,

8. Class “EE” license. Recovery Agent Intern: ~~\$60~~ \$50,

9. Class “G” license. Statewide Firearm License Permit: ~~\$112~~ \$75,

10. Class “K” license. Firearms Instructor: ~~\$100~~ \$95,

11. Class “AA”, “BB”, “AB”, “RR” license. Branch Office: ~~\$125~~ \$95,

12. Class “M”, “MA”, “MB”, or “MR” license. Agency or Branch Manager: ~~\$75~~ \$60,

13. Class “DS” license. Security Officer School or Training Facility: ~~\$60~~ \$50,

14. Class “DI” license. Security Officer Instructor: ~~\$60~~ \$50,

15. Class “RS” license. Recovery Agent School or Training Facility: ~~\$60~~ \$50,

16. Class “RI” license. Recovery Agent Instructor: ~~\$60~~ \$50.

(b) The application fee for all license types shall be \$50, except Class “D” and “G” which shall have no application fee. Prescribed application fees shall be submitted with the application.

(c) The fee for replacement or revision of laminated licenses shall be \$15. All other licenses may be replaced or revised for \$10.

(d) The examination fee for Class “K” firearms instructors shall be \$50.

(e) Prescribed license fees for Class “C”, “CC”, “D”, “E”, “EE”, “G”, “M”, “MA”, “MB” and “MR” licenses shall be submitted with the application. For all other license types, the prescribed license fee shall be submitted upon notification by the Division that the application has been approved.

(f) All applications for licensure shall include the required set of fingerprint cards and a fingerprint processing fee. A processing fee of \$42 shall accompany each set of fingerprints filed with the Division.

(g) The processing fee for temporary Class “G” licensure shall be \$15.

Specific Authority 215.405, 493.6103, 493.6105(3)(j), 493.6107, 493.6202, 493.6302, 493.6402 FS. Law Implemented 215.405, 493.6105(1), 493.6105(3)(j), 493.6107, 493.6110, 493.6115(13), 493.6201, 493.6202, 493.6301, 493.6302, 493.6401, 493.6402 FS. History—New 2-4-91, Amended 7-31-96, 2-17-00, Formerly 1C-3.116, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John V. Mccarthy, Assistant General Counsel, Department of Agriculture and Consumer Services, Division of Licensing, 2520 North Monroe Street, Tallahassee, FL 32303, (850)245-5506, Fax (850)245-5505

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: W. H. “Buddy” Bevis, Division Director

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2005

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE TITLE: Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Veterans, Spouses

RULE NO.: 12D-7.003

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-7.003, F.A.C., is to implement the provisions of Chapter 2005-42, Laws of Florida, which provides that the unremarried spouse of a deceased disabled veteran is entitled to the \$5,000 veterans’ disability exemption under Section 196.24, F.S.

SUMMARY: The amendment to Rule 12D-7.003, F.A.C., provides that the \$5,000 veterans’ disability exemption may be allowed for the unremarried spouse of a deceased disabled veteran who was married to the veteran for at least five years at the time of the veteran’s death.

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: 195.027(1), 213.06(1) FS.
 LAW IMPLEMENTED: 196.202, 196.24, 213.05 FS.
 A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., October 28, 2005
 PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-7.003 Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Veterans, Spouses.

(1) No change.

(2)(a) The \$5,000 exemption granted by Section 196.24, Florida Statutes, to disabled veterans shall be considered to be the same constitutional disability exemption provided for by Section 196.202, Florida Statutes. The unmarried surviving spouse of a disabled veteran who was married to the veteran for at least 5 years at the time of the veteran's death is allowed the exemption.

(b) The exemptions under Sections 196.202 and 196.24, Florida Statutes, shall be cumulative, but in no event shall the aggregate exemption exceed \$6000 for an individual.

(3) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.202, 196.24, 213.05 FS. History--New 10-12-76, Formerly 12D-7.03, Amended 11-21-91, 12-31-98, 12-30-02, 1-1-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6109

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2005, Vol. 31, No. 32, p. 2823. A workshop was held on August 26, 2005. Comments were received during the workshop.

**DEPARTMENT OF REVENUE
 Property Tax Administration Program**

RULE TITLES:	RULE NOS.:
Assessment of Changes, Additions, or Improvements to a Homestead	12D-8.0063
Procedure for the Correction of Errors by Property Appraisers	12D-8.021

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-8.0063, F.A.C., is to implement the provisions of Chapter 2005-268, Laws of Florida, which provides for assessment of changes, additions, or improvements to homestead property rendered uninhabitable by a named 2004 storm and to clarify the example for calculation of the replacement just value in excess of 125 percent of property damaged or destroyed by misfortune or calamity.

The purpose of the proposed amendment to Rule 12D-8.021, F.A.C., is to clarify the procedures for corrections of errors by property appraisers that result in an increased assessed valuation of property and subsequently taxes.

SUMMARY: The amendment to Rule 12D-8.0063, F.A.C., provides that the assessment of changes, additions or improvements to homestead property that resulted from damage from the named 2004 storms is limited to square footage exceeding 110 percent of the properties total square footage and certain rebuilt portions of homesteads damaged by the 2004 storms are not considered changes, additions or improvements. The amendment also clarifies the formula for assessment of other changes, additions and improvements to homestead property not related to the named 2004 storms. The amendment to Rule 12D-8.021, F.A.C., provides that a notice of proposed property tax, which includes notice of the right to petition the value adjustment board, be mailed or delivered to property owners where a correction of an error by a property appraiser results in an increased assessed valuation of real property and subsequently increases taxes on the property.

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: 195.027(1), 213.06(1) FS.
 LAW IMPLEMENTED: Chapter 2005-268, L.O.F., 192.042, 193.011, 193.023, 193.155, 194.011(1), 194.032, 196.011, 197.122, 197.182, 197.323, 197.332, 213.05 FS.

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

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

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-8.0063 Assessment of Changes, Additions, or Improvements to a Homestead.

(1) through (2) No change.

(3)(a) Changes, additions, or improvements do not include replacement of a portion of real property damaged or destroyed by misfortune or calamity when the just value of the damaged or destroyed portion as replaced is not more than 125 percent of the just value of the damaged or destroyed portion. The replacement just value in excess of 125 percent shall be treated as a change, addition, or improvement and added to the assessed value (including the assessment limitation change) of the homestead as of January 1 of the year following the substantial completion of the replacement of the damaged or destroyed portion.

(b) In lieu of the formula in paragraph (a) and subsection (4), changes, additions or improvements to homestead property rendered uninhabitable in one or more of the named 2004 storms are limited to the square footage exceeding 110 percent of the homestead property's total square footage. Rebuilt portions of such homestead properties with 1350 or less square feet which are rebuilt up to 1500 square feet are not considered changes, additions or improvements subject to assessment at just value. This paragraph shall apply to such homestead properties for which repairs are completed by January 1, 2008 and applies retroactively to January 1, 2005. See Chapter 2005-268, Laws of Florida.

(4) The replacement just value in excess of 125 percent, for purposes of this section, shall be measured directly by considering mass data collected, market evidence, and cost, or computed as follows:

(a) Determine the just value of the total homestead property prior to damage or destruction.

Example: Just value = \$100,000 and assessed value = \$80,000;

(b) Attribute a just value to the damaged or destroyed portion of the homestead property.

Example: \$10,000 (the just value of the remaining property including land is \$90,000);

(c) Compute the replacement just value that will be treated as not a change, addition, or improvement, by multiplying the amount determined under paragraph (b) by 125 percent.

Example: \$10,000 x 125 percent = \$12,500;

(d) Determine the just value of the total property after the damaged or destroyed portion has been replaced.

Example: \$120,000;

(e) Determine the just value of the replaced portion of the property.

Example: \$120,000 - \$90,000 = \$30,000; then

(f) Subtract the amount computed under paragraph (c) from the amount determined under paragraph (e).

Example: \$30,000 - \$12,500 = \$17,500.

This excess value shall be treated as a change, addition, or improvement, and added to the assessed value, including the assessment limitation change for the year, as provided in subsection (3).

Example: \$80,000 + \$2,248 (\$80,000 x 2.81 percent consumer price index (CPI), assessment limitation change) + \$17,500 = \$99,748.

(5) If the damaged portion is not replaced or substantially replaced in the year the damage occurred, but is replaced in a subsequent year, the replacement will be treated as a change, addition, or improvement as provided in subsections (3)(a) and (4), adjusted for changes in market and homestead property assessment limitation values. The just value of the damaged portion of property after the replacement or repair shall be compared to 125 percent of the value of the damaged portion as provided in subsections (3)(a) and (4).

(6) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented Ch. 2005-268, L.O.F., 192.042, 193.011, 193.023, 193.155, 213.05 FS. History--New 12-27-94, Amended 12-25-96, _____.

12D-8.021 Procedure for the Correction of Errors by Property Appraisers.

(1) through (6) No change.

(7) Except when a property owner consents to an increase, as provided in paragraph (10)(a), the correction of any error that will increase the assessed valuation, and subsequently the taxes, shall be presented to the property owner with a notice of proposed property taxes mailed or delivered to the property owner, which includes notice of the right of the property owner to petition the value adjustment board ~~value adjustment board for approval, provided it has not adjourned.~~ Any error that will increase the assessed valuation and taxes shall be certified by the official correcting the error. ~~The certification of the official correcting the error shall be attached to Form DR-409 and~~

~~presented to the value adjustment board which shall have final approval authority for the correction of such errors and, unless approved, no correction shall be made to the tax roll.~~

(8) through (9) No change.

(10) If the value adjustment board has adjourned, the property owner shall be afforded the following options when an error has been made which, when corrected, will have the effect of increasing the assessed valuation and subsequently the taxes. The options are:

(a) The property owner by waiver may consent to the increase in assessed valuation and subsequently the taxes by stating that he does not desire to present a petition to the value adjustment board and that he desires to pay the taxes on the current tax roll. If the property owner makes such a waiver, the property appraiser shall advise the tax collector who shall proceed under rule subsection 12D-13.006(6), F.A.C.

(b) The property owner may refuse to waive the right to petition the value adjustment board at which time the property appraiser shall notify the proper owner and tax collector that the correction shall be placed on the current ~~subsequent~~ year's tax roll and also at such time as the subsequent year's tax roll is prepared, the property owner shall have the right to file a petition contesting the corrected assessment.

(c) If the value adjustment board has adjourned for the year or the time for filing petitions has elapsed, a back assessment shall be considered made within the calendar year if, prior to the end of the calendar year, a signed Form DR-409, certificate of correction (incorporated by reference in Rule 12D-16.002, F.A.C.) or a supplemental assessment roll is tendered to the tax collector and a notice of proposed property taxes with notice of the right to petition the next scheduled value adjustment board is mailed or delivered to the property owner.

(11) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.155, 194.011(1), 194.032, 196.011, 197.122, 197.182, 197.323, 197.332, 213.05 FS. History—New 12-7-76, Formerly 12D-8.21, Amended 12-10-92, 12-27-94, 12-25-96, 12-31-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6109

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2005, Vol. 31, No. 32, pp. 2824-2825. A workshop was held on August 26, 2005. Comments were received during the workshop.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE TITLE: RULE NO.:

Printing and Posting of Tax Roll by Data Processing Methods, Delivery of Tax Roll to Tax Collector and Clerk of Court, Destruction of Tax Rolls, and Microfilm or Microfiching of Tax Rolls 12D-13.015

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-13.015, F.A.C., is to clarify that microfilm and microfiche includes tax rolls in digital format.

SUMMARY: The proposed amendment to Rule 12D-13.015, F.A.C., provides that for purposes of printing or providing copies of tax rolls, microfilm or microfiche includes tax rolls stored in digital format.

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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.085, 193.114, 193.116, 193.122, 195.002, 195.027, 197.322, 197.323, 197.332, 213.05 FS.

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

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

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-13.015 Printing and Posting of Tax Roll by Data Processing Methods, Delivery of Tax Roll to Tax Collector and Clerk of Court, Destruction of Tax Rolls, and Microfilm or Microfiching of Tax Rolls.

(1) In those counties having the capacity to print tax rolls on microfiche or microfilm the property appraiser may print the tax roll on hard copy, microfilm, or microfiche and shall certify the same to the tax collector, value adjustment board, Board of County Commissioners, any taxing district, and any

municipality. It shall only be necessary to certify to taxing districts and municipalities that part of the tax roll that pertains to each taxing district and municipality. It shall not be necessary for the property appraiser to furnish hard copies of the tax roll to any officer or taxing authority if copies of the tax roll are available on either microfilm or microfiche unless the officer or taxing authority does not have the necessary equipment or machinery to review microfilm or microfiche copies of the tax roll and to purchase such items would cause an unnecessary hardship on the officer or taxing authority. In such case, the property appraiser shall print a hard copy of the tax roll at the request of the officer or taxing authority. If the property appraiser intends to print the tax roll on microfilm or microfiche and no hard copies will be printed, then he or she shall notify the officer or taxing authority. For purposes of this rule, microfilm and microfiche includes storage in digital electronic format. The clerk of the court shall accept whatever copy of the tax roll is certified by the property appraiser to the tax collector.

(2) through (3) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.085, 193.114, 193.116, 193.122, 195.002, 195.027, 197.322, 197.323, 197.332, 213.05 FS. History—New 6-18-85, Formerly 12D-13.15, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6109

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2005, Vol. 31, No. 32, pp. 2825-2826. A workshop was held on August 26, 2005. No comments were received during or after the workshop.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE TITLE: Index to Forms
 RULE NO.: 12D-16.002

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-16.002, F.A.C., is to implement forms creations/revisions created in Chapters 2005-42 and 2005-157, Laws of Florida, and incorporate other technical changes made to forms.

SUMMARY: The amendment to Rule 12D-16.002, F.A.C., incorporates 2005 legislative changes and other technical changes to ad valorem property tax forms prescribed by the Department.

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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS.

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

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

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date	Specific Authority
(2) DR-401	Private Car and Freight Line Equipment Companies Annual Report to State of Florida Department of Revenue Property Tax Administration (r. 12/05 <u>12/04</u>)	12/04	195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, <u>196.202</u> , 196.24, 197.182, 197.222, 197.253, <u>197.304</u> , <u>197.3041</u> , 197.3632, 197.3635, 197.414, 197.432, 197.472, <u>197.502</u> , 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01, 1-20-03, 1-26-04, 12-30-04,
(3) through (8) No change.			
(9)(a) DR-409	Certificate of Correction of Tax Roll (r. 12/05 <u>12/03</u>)	12/04 <u>1/04</u>	NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6109 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2005 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2005, Vol. 31, No. 32, pp. 2826-2827. A workshop was held on August 26, 2005. No comments were received during or after the workshop.
(b) through (15) No change.			
(16)(a) DR-453	Notice of Tax Lien for Homestead Exemption and/or Limitation Exclusion (r. 12/05 <u>6/96</u>)	12/96	
(b) through (38) No change.			
(39)(a) DR-501S	Eligibility Criteria to Qualify for Property Tax Exemption (r. 12/05 <u>12/03</u>)	12/04	
(b) through (56)(a) No change.			
(b) DR-570WF	<u>Application for Recreational and Commercial Working Waterfronts Tax Deferral (n. 12/05)</u>		
(c)(b) DR-571	Notice of Disapproval of Application for Homestead Tax Deferral (r. 6/91)	6/91	
(d) DR-571WF	<u>Notice of Disapproval of Application for Recreational and Commercial Working Waterfronts Tax Deferral (n. 12/05)</u>		
(57)(a) No change.			
(b) DR-572WF	<u>Petition to Value Adjustment Board Recreational and Commercial Working Waterfronts (n. 12/05)</u>		
(c)(b) DR-584	Tax Collectors Budget Schedule (r. 2/94)	12/94	
(d)(e) DR-585	Minimum Standards Contract (n. 8/77)	8/77	
(58) through (61) No change.			

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6109

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2005, Vol. 31, No. 32, pp. 2826-2827. A workshop was held on August 26, 2005. No comments were received during or after the workshop.

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: Public Information and Inspection of Records
RULE NO.: 33-102.101
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise an incorporated form for consistency with Florida Statutes.
SUMMARY: Form DC1-201, Invoice for Production of Records, is being amended to reflect recent revisions to Chapter 119, F.S.
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: 119.07, 120.53 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:

33-102.101 Public Information and Inspection of Records. (1) through (4) No change.

(5) When copies requested pursuant to this rule are available to be picked up or for mailing, the requestor shall be notified of the costs of reproduction as specified in subsections (2) and (3) on an Invoice for Production of Records, Form DC1-201. Form DC1-201 shall also indicate if any information is redacted from the copies provided as required by state law. Form DC1-201 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC1-201 is 10-29-01.

Specific Authority 944.09 FS. Law Implemented 119.07, 120.53 FS. History—New 10-8-76, Amended 2-14-81, Formerly 33-1.04, Amended 6-9-86, 2-9-88, Formerly 33-1.004, Amended 10-29-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Louis A. Vargas, General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Outpatient Hospital Services
RULE NO.: 59G-4.160
PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Hospital Services Coverage and Limitations Handbook, June 2005. The revised handbook contains policy and coding changes to comply with the Health Insurance Portability and Accountability Act (HIPAA); revenue center codes, procedure codes, and code descriptions for billing newborn hearing screening services; revisions to the inpatient prior authorization policy; and policy for a recipient coinsurance for using the hospital emergency room for non-emergency services. The effect will be to incorporate in the rule the Florida Medicaid Hospital Services Coverage and Limitations Handbook, June 2005.

SUMMARY: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Hospital Services Coverage and Limitations Handbook, June 2005.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 31, 2005

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room B, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Melissa Vergeson, Medical Health Care Program Analyst, Bureau of Medicaid Services, 2728 Fort Knox Boulevard, Building 3, Tallahassee, Florida 32308, (850)922-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.160 Outpatient Hospital Services.

(1) No change.

(2) All hospital providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Hospital Services Coverage and Limitations Handbook, ~~June 2005, March 2003, updated January 2005,~~ and the Florida Medicaid Provider Reimbursement Handbook, UB-92, April 2004, both incorporated by reference in this rule. Both handbooks are available from the Medicaid fiscal agent contractor.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, 5-12-99, 10-18-99, 3-22-01, 8-12-01, 2-25-03, 8-14-03, 11-28-04, 8-18-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Melissa Vergeson

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 3, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION****Construction Industry Licensing Board**

RULE TITLE: Practical Examination
RULE NO.: 61G4-16.003

PURPOSE AND EFFECT: The proposed new rule is intended to describe practical examination for Swimming Pool Specialty Contractors.

SUMMARY: The proposed new rule provides language with regard to practical examination for Swimming Pool Specialty Contractors.

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

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

SPECIFIC AUTHORITY: 455.217, 489.113 FS.

LAW IMPLEMENTED: 455.217, 489.113 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: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-16.003 Practical Examination.

(1) Scope of Rule. The scope of this rule is to provide the practical examination requirements for the voluntary certification of swimming pool specialty contractors.

(2) Practical Examination Required. The examination for licensure for any category of swimming pool specialty contractor as specified in Rule 61G4-15.032, F.A.C., shall consist of a practical examination.

(a) The practical examination shall test the applicant's ability to perform the scope of work for the category of swimming pool specialty contractor for which the applicant applied.

(b) The practical examination for any category of swimming pool specialty contractor shall have a maximum time limit of 14 days.

(c) An applicant must be working under the supervision and within the scope of work of a contractor licensed pursuant to Section 489.105(3)(j)-(k), F.S., at the time of the examination.

(d) An applicant must make all arrangements to secure an appropriate location at which to perform the practical examination. These arrangements include, but are not limited to, all appropriate equipment and permissions for the presence of the practical examiner.

(e) An applicant must arrange for a practical examiner who meets the requirements in subsection (3) to administer the practical examination. These arrangements include, but are not limited to, securing all necessary site permissions and paying of any applicable fee to the proctor.

(3) Examiners for Practical Examinations. The practical examination shall be given by an examiner who is a contractor licensed pursuant to Section 489.105(3)(j)-(k), F.S., and whose scope of work includes the category of swimming pool specialty contractor to be tested.

(a) The practical examiner must register with the department by completing a prescribed form and paying a fee not to exceed \$50 biannually; the department may require such registration and payment of fees electronically.

(b) The practical examiner must take a two (2) hour orientation course addressing protocols and techniques for administering practical examinations from a provider approved by the board. The cost of this orientation course may not exceed \$100. Orientation course approval and provider approval shall follow the processes provided for in Chapter 61G4-18, F.A.C.

(c) The practical examiner must agree to administer any and all practical examinations fairly and without bias for or against an applicant.

(d) The practical examiner must acknowledge that he or she will be subject to discipline for improper acts or administration of any practical examination.

(e) The practical examiner may not charge any more than \$200 for administering, to completion, any practical examination. The practical examiner may not allow any practical examination to go beyond the maximum time limit of fourteen (14) days. The practical examiner may not accept any additional monies related to the administration of the practical examination.

(f) A practical examiner may not employ or contract with an applicant or other contractor on the site at which a practical examination is to be administered.

(g) A practical examiner may not administer practical examinations for more than five (5) applicants at a time on any one site. A practical examiner must, however, take all reasonable efforts to ensure that only the work of the applicant is evaluated in the practical examination.

(h) The practical examiner must agree to notify the department, in the manner prescribed by the department, of the pending administration of any practical examination not less than 24 hours prior to the examination. The department shall have the responsibility of notifying an applicant of the applicant's score on the practical examination.

(i) The practical examiner must agree to notify the department, in the manner prescribed by the department, of the results of any administration of any practical examination not more than 48 hours after the practical examination was completed.

(j) The practical examiner must agree to hold the department harmless for any accident or injury resulting from the administration of any practical examination.

(4) Requirements for All Practical Examinations.

(a) Each practical examination must test the following areas, which shall account for thirty (30) percent of each examination:

1. Reading, understanding and interpreting scaled pool construction plans and surveys.

2. Understanding and complying with job-site safety requirements.

3. Handling and properly disposing of hazardous materials.

4. Recognizing the tools required to do the job and exhibit the ability to properly use those tools.

(b) The score necessary to achieve a passing grade on any swimming pool specialty contractors practical examination shall be no less than seventy (70) percent out of one hundred (100) percent of the total possible points on the practical examination.

(5) Practical Examination for Swimming Pool Layout Specialty Contractors. The practical examination for swimming pool layout specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, the following areas:

(a) 8% Accurately locating and staking out a base line or center line of the pool being built with reference to fixed objects shown on the layout plan.

(b) 8% Laying a pool out ready to be formed, including proper leveling techniques for the shell to plus or minus 1/4th inch and verifying the calculations that illustrate how the layout elevations will accommodate the coping or deck edge trim and how the finished deck elevation will meet existing finished elevations on the project such as existing patios, floors, and the surrounding landscape.

(c) 5% Verifying the calculations necessary to show that the pool layout, including decks and retaining walls will accommodate anticipated water runoff (drainage).

(d) 5% Understanding effective methods of managing ground water (dewatering).

(e) 8% Supervising an excavation according to the swimming pool plan(s) and/or specifications that insures that the walls and floor are shaped according to plans, and demonstrate the skills required to place backboard materials in the event of a cave in.

(f) 8% Properly placing and stabilizing forms.

(g) 8% Installing the piping and fittings required before installing the rough structure of a swimming pool, displaying proper solvent weld procedures.

(h) 15% Cutting and bending steel reinforcing bars, installing the structural steel in accordance with the pool plan, verifying that ties and overlaps are in accordance with code requirements, and showing that by proper blocking, the steel will have adequate and proper concrete coverage.

(i) 5% Maintaining the continuity of bond beam steel in cases where the beam is modified, including skimmer openings and step-ups in the beam such as raised beams and planters.

(6) Practical Examination for Swimming Pool Structural Specialty Contractor. The practical examination for swimming pool structural specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:

(a) 10% Set guide wires or piano wire to insure that concrete walls are true and proper thickness.

(b) 5% Set up a concrete pump with an air compressor for the proper installation of pneumatically applied concrete.

(c) 10% Conduct an inspection for proper placement of forms, wall fittings, drains, light niches, steel placement, and the use of steel carrier chairs.

(d) 10% Demonstrate an understanding of the properties of concrete, including slump and the importance of taking a batch sample.

(e) 15% Demonstrate proper gunite or shotcrete placement on pool walls and floors, including finishing techniques.

(f) 10% Knowledge of dimensional requirements for features such as steps and benches.

(g) 10% The ability to read and understand manufacturer's installation instructions for fiberglass and/or vinyl liner pool structures, if applicable.

(7) Practical Examination for Swimming Pool Excavation Specialty Contractor. The practical examination for swimming pool excavation specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:

(a) 5% Prepare a swimming pool construction site by grubbing or removing sod.

(b) 10% Understand effective methods of managing ground water (dewatering).

(c) 10% Operate an excavation machine such as a backhoe, tracked backhoe, or tracked excavator.

(d) 20% Excavate for a swimming pool according to the plan(s) and/or specifications. The walls and floor shall be shaped according to the swimming pool plan and demonstrate an understanding of the angle of repose and shoring requirements.

(e) 10% Understanding of different soil conditions.

(f) 5% Proper placement of excavated materials.

(g) 10% Backfill a swimming pool structure and compact the fill material.

(8) Practical Examination for Swimming Pool Trim Specialty Contractor. The practical examination for swimming pool trim specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:

(a) 5% Prepare a “brown coat” or “parge” mix. Correct any misalignment in the swimming pool walls with a “brown coat”.

(b) 15% Set a vertical waterline tile job with horizontal alignment of plus or minus 1/8 inch.

(c) 10% Demonstrate proper installation procedures for tile and water features per manufacturer’s instructions, including step edge tile, to insure a watertight condition and the ability to install a complete waterline with a fully bedded mud bed.

(d) 15% Level the top of the beam(s) to plus or minus 1/8 inch.

(e) 10% Set bullnose brick as the pool coping, including miter joints in the coping.

(f) 5% Mix a custom grout color.

(g) 5% Properly clean tile and coping to remove masonry stains.

(h) 5% Understand effective methods of managing ground water (dewatering).

(9) Practical Examination for Swimming Pool Decking Specialty Contractor. The practical examination for swimming pool decking specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:

(a) 5% Operate an under-pool dewatering system.

(b) 5% Layout and form a deck, including verification of angles and deck dimensions.

(c) 5% Perform the calculations to show that the deck layout will accommodate anticipated water runoff (drainage). Install a deck drainage system such as a deck drain.

(d) 5% Understanding of backfill and compaction procedures for sub-deck materials.

(e) 5% Demonstrate an understanding of the properties of concrete including time from batching, hydration, slump, and the effects of weather conditions. Calculate the amount of concrete required for the job.

(f) 5% Understand proper elevation and pitch requirements to insure proper drainage.

(g) 5% Understand the geometry of how to create accurate angles and locate pin points.

(h) 5% Understand reinforcement requirements for concrete.

(i) 10% Demonstrate proper placement and finishing procedures for concrete.

(j) 5% Understanding of thermal expansion and contraction of concrete and methods to accommodate it.

(k) 5% Remove and dispose of concrete forms and forming materials.

(l) 5% Set anchors and/or ladders, handrails, etc. straight and true.

(m) 5% Be aware of pressurized piping procedures and the requirement that they be maintained during the forming process and placement of concrete decking.

(10) Practical Examination for Swimming Pool Piping Specialty Contractor. The practical examination for swimming pool piping specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:

(a) 10% Read, understand, and interpret a swimming pool piping plan.

(b) 15% Install pool piping, including the proper handling and solvent welding of PVC.

(c) 10% Understanding of the different applications for different solvent weld cements.

(d) 10% Proper testing and pressurization procedures for pool piping systems.

(e) 25% Proper installation procedures for pool piping, circulation, sanitation, filtration, hydraulics and venting and related equipment in accordance with manufacturer’s instructions.

(11) Practical Examination for Swimming Pool Finishes Specialty Contractor. The practical examination for swimming pool finishes specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:

(a) 10% Operate an under-pool dewatering system.

(b) 10% Understand proper shell preparation to insure a tight bond and a watertight application, including the areas around all shell penetrations, and the neutralizing of all cleaning agents.

(c) 5% Install/repair step or underwater bench trim tile.

(d) 15% Mix plaster, including admixtures.

(e) 20% Properly apply plaster finish to a swimming pool structure in the correct thickness. Insure that plaster was troweled sufficiently.

(f) 10% Demonstrate an understanding of application and filling procedures per manufacturer’s instructions to insure a clean smooth finish and a watertight condition.

(12) Retaking a Practical Examination. An applicant who fails to achieve a passing score on a practical examination must wait two (2) weeks before attempting to retake the practical examination for the category of specialty pool contractor which the applicant failed. The applicant may be required to repay the fees provided in paragraph (3)(e) of this rule.

Specific Authority 455.108, 489.113 FS. Law Implemented 455.108, 489.113 FS. History—New _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Construction Industry Licensing
Board
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 23, 2005
DATE NOTICED OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 16, 2005

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

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE TITLE: Deceptive and Misleading Advertising
PROHIBITED; POLICY; DEFINITION

RULE NO.: 64B2-15.001

PURPOSE AND EFFECT: The Board proposes to add
language clarifying what advertisement or advertising of
acupuncture services shall be deemed by the Board to be
fraudulent, false, deceptive or misleading.

SUMMARY: The proposed rule amendment clarifies what
advertisement or advertising of acupuncture services shall be
deemed by the Board to be fraudulent, false, deceptive or
misleading.

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

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

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 456.062, 460.413(1)(d) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-15.001 Deceptive and Misleading Advertising
Prohibited; Policy; Definition.

(1) No change.

(2) No chiropractor shall disseminate or cause the
dissemination of any advertisement or advertising which is in
any way fraudulent, false, deceptive or misleading. Any
advertisement or advertising shall be deemed by the Board to
be fraudulent, false, deceptive, or misleading if it:

(a) through (l) No change.

(m) Contains a reference that the chiropractic physician is
licensed to practice acupuncture, unless the chiropractic
physician is licensed under the provisions of Chapter 457,
Florida Statutes. Any chiropractic physician certified to
practice acupuncture pursuant to Section 460.403, Florida
Statutes, and Rules 64B2-11.012, 64B2-11.013, and
64B2-17.003, F.A.C., and using the term “acupuncture” in the
letterhead, business card, or other advertisement, must state
that the practitioner is “certified” to practice acupuncture and
identify that the practitioner is a chiropractor in the same print
size or volume.

(3) No change.

Specific Authority 460.405 FS. Law Implemented 456.062, 460.413(1)(d) FS.
History—New 1-10-80, Amended 11-25-81, 5-12-83, Formerly 21D-15.01,
Amended 4-19-89, Formerly 21D-15.001, 61F2-15.001, Amended 7-18-95,
Formerly 59N-15.001, Amended 9-21-98, 5-20-99, 4-23-00, 11-19-00,
10-24-04, _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 12, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 9, 2005

**DEPARTMENT OF HEALTH
Board of Medicine**

RULE TITLES: Physician Assistant Licensure
Citation Authority

RULE NOS.: 64B8-30.003
64B8-30.014

PURPOSE AND EFFECT: The proposed amendment to Rule
64B8-30.003, F.A.C., is intended to clarify criteria for those
who have not passed the NCCPA PANCE exam within 5
attempts. The proposed of rule amendments to Rule
64B8-30.014, F.A.C., are intended to set forth additional
violations which are appropriate for issuance of a citation, and
to increase the fine for failure to notify of a change in
supervisor.

SUMMARY: The proposed amendment to Rule 64B8-30.003, F.A.C., is clarifies criteria for those who have not passed the NCCPA PANCE exam within 5 attempts. The proposed rule amendments to Rule 64B8-30.014, F.A.C., increase the penalty for failure to report a change in supervising physician from \$125 to \$250 per supervising physician. In addition the proposed amendments set forth a fine of \$500 for failure to notify the Board of action taken against the license in another jurisdiction. Finally the rule implements a \$500 fine for the first time failure to pay the fine or costs imposed by final order.

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, 456.031(2), 456.033(6), 456.077, 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 456.077, 458.347 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-30.003 Physician Assistant Licensure.

(1) No change.

(2) Applicants who have not passed the NCCPA PANCE examination within five (5) attempts and have not practiced as a fully licensed physician assistant shall be required to successfully complete a minimum of three (3) months in a full-time review course at an accredited physician assistant program approved by the Chair of the Physician Assistant Committee prior to sitting for the sixth examination attempt. Said completion shall be documented by a letter signed by the head of the program stating that the applicant has satisfactorily completed the course.

(3) through (5) No change.

Specific Authority 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS. Law Implemented 456.013, 456.017, 456.031, 456.033, 458.347 FS. History—New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28-00, 3-3-02, 5-19-03, 10-19-03, 11-17-03, 9-5-05, _____.

64B8-30.014 Citation Authority.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall include a requirement that the licensee correct the offense, if possible, within a specified period of time, impose whatever obligations will correct the offense, and impose the prescribed penalty.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS	PENALTY
(a) through (f) No change.	
(g) Failure to report to the Department of addition/deletion/change of supervising physician(s). (Section 456.035, F.S.) (Section 458.331(1)(g), F.S.) (Section 458.347(7)(e), (g), F.S.)	\$250 fine per supervising physician \$425 fine
(h) Failure to notify the Board in writing within 30 days if an action as defined in Section 458.331(1)(b), F.S., has been taken against one's license to practice as a physician assistant in another state, territory, or country if that action was based on action taken by the Florida Board of Medicine. (Section 458.331(1)(kk), F.S.) (Section 456.072(1)(w), F.S.)	\$500 fine
(i) First time failure to pay fine or costs imposed by Board Order within 30 days of the due date of the fine or costs. (Failure to pay more than 30 days after the due date will result in an administrative complaint) (Section 456.072(1)(q), F.S.)	\$500 fine

(4) Citations shall be issued to licensees by the Bureau of Investigative Services only after review by the legal staff of the Department of Health, Division of Regulation. Such review may be by telephone, in writing, or by facsimile machine.

(5) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 456.073, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with other violations, then the procedures of Section 456.073, F.S., shall apply.

(6) The subject has 30 days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable to the "Department of Health" and sent to the Department of Health in Tallahassee. A copy of the citation shall accompany the payment of the fine.

(5)(7) The Department of Health shall, at the end of each calendar quarter, submit a report to the Board of the citations issued, which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects who dispute the citation and chose to follow the procedures of Section 456.073, F.S.

Specific Authority 456.077, 458.309, 458.347(7)(g),(12) FS. Law Implemented 456.077, 458.331, 458.347(7)(g),(12) FS. History--New 3-3-02, Amended 5-19-03, 11-17-03, 5-4-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Council on Physician Assistants
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATES PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2005 and August 6, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Continuing Education for Licensee Renewal
 RULE NO.: 64B10-15.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to provide that all licensees must complete continuing education requirements prior to renewing a license. The Board proposes to eliminate "risk management" from subsection (9) of this rule so that continuing education credits can be earned in areas besides "risk management." The Board also proposes to amend subsection (9) by eliminating the requirement that a licensee attend a board meeting where discipline is imposed. The Board proposes to require continuous attendance at the meeting and new signing in and out procedures.

SUMMARY: Amends the rule for continuing education requirements and compliance procedures.

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-15.001 Continuing Education for Licensee Renewal.

(1) All licensed Nursing Home Administrators shall be required to obtain continuing education which contributes to increasing or enhancing the licensee-holder's professional skill or which enables the licensee-holder to keep abreast of changes that affect the field of nursing home administration.

(2) Each licensee-holder shall complete forty (40) contact hours of continuing education in accordance with these rules. A licensee-holder shall not be permitted to receive more than fifteen (15) continuing education hours in any one topic for a single program.

~~(3) A newly licensed Nursing Home Administrator shall not be required to complete a continuing education requirement prior to the first renewal of his license, but it shall be required prior to any subsequent renewal.~~

~~(4) During the license renewal period, the Department will send to each license holder at the last address of record, a notice for renewal. Failure to receive any notification does not relieve the continuing education requirements or waive the license expiration date. The application for renewal shall include a statement in which the licensee shall declare that during the biennium preceding renewal, he completed the required hours of approved continuing education.~~

~~(3)(5) Each licensee shall be responsible for maintaining the documentation as may be necessary to prove his/her compliance with the continuing education requirements for a period of four years during the current renewal period and the one immediately preceding and shall provide such documentation to the Department upon request.~~

~~(4)(6) The Department shall audit at random a number of licensees as necessary to ensure that these continuing education requirements are met.~~

~~(5)(7)(a) Licensees shall include either the hours obtained from attendance at the HIV/AIDS course required under Section 456.033(1), F.S., or a course in end of life care and palliative health care that may be taken in lieu of the HIV/AIDS course pursuant to Section 456.033(9), F.S., as part of the hours required for biennial renewal.~~

~~(b) As a condition of biennial licensure renewal, each licensee must participate in a Board approved continuing education course on medical errors as required by Section 456.013, F.S. The course shall not be less than two (2) contact hours and must contain the following components: Root cause analysis; error reduction and prevention; and patient safety.~~

~~(6)(8)~~ A licensee who attends a meeting of a national association involved in the establishment of standards of practice for nursing home administrators or the regulation of nursing home administrators ~~may apply to the Board for approval of that activity as a continuing education activity.~~ In order to receive ~~said~~ approval, the licensee must submit a written statement to the Board within sixty (60) days of attendance ~~ing~~ or participation ~~ing~~ in said conference, stating the name of the organization ~~conducting the meeting~~, dates of attendance, and a brief statement as to how ~~the course that activity~~ contributed to the enhancement of the licensee's skills; ~~or otherwise enabled the licensee to keep abreast of changes affecting the practice of nursing home administration.~~ The Board may approve up to 5 hours of continuing education per year ~~in one year~~ under this paragraph.

~~(7)(9)~~ Three hours of continuing education may be obtained by the following:

(a) Attending one full day of a board meeting in compliance with the following:

1. The licensee must sign in with the Executive Director/Program Operations Administrator of the board before the meeting day begins.

2. The licensee must remain in continuous attendance.

3. The licensee must sign out with the Executive Director/Program Operations Administrator at the end of the meeting. A licensee shall receive continuing education credit for attending a board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the board meeting for another purpose. A licensee who attends a meeting of the Board of Nursing Home Administrators may receive 3 hours of continuing education in one year for attending said Board meeting. Licensees who are attending the meeting because of pending disciplinary action, and members of the Board, are not eligible to receive credit under this paragraph. In order to receive credit for these continuing education hours, the licensee must deliver a statement, in writing, to the senior staff member present at said Board meeting, of his intention to claim continuing education hours under this paragraph. A maximum of three (3) hours of continuing education credits in risk management may be earned each biennium by licensees in the following manner:

(b) Serve as a volunteer expert witness for the department in a disciplinary case.

(c) Serve as a member of a probable cause panel after expiration of the Board's member's term(s).

~~(10)~~ In addition to the continuing education credits authorized above, a maximum of three (3) hours of credit in the area of risk management may be earned each biennium in the following manner:

(a) Attend a board meeting where a licensee is disciplined.

(b) Serve as a volunteer expert witness for the department in a disciplinary case.

~~(e) Serve as a member of a probable cause panel after expiration of the Board's member's term(s).~~

Specific Authority 456.033, 468.1685(1), 468.1715(3), 468.1725 FS. Law Implemented 456.013(6), 456.033, 468.1715(3), 468.1725 FS. History—New 12-11-80, Amended 2-20-83, 5-2-84, Formerly 21Z-15.01, Amended 12-31-86, 2-26-89, 11-19-91, Formerly 21Z-15.001, 61G12-15.001, Amended 9-4-96, 10-20-96, 7-21-97, Formerly 59T-15.001, Amended 5-15-00, 11-4-02,

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

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

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

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLES:	RULE NOS.:
Licenses and Signs in Office	64B13-3.006
Minimum Procedures for Vision Analysis	64B13-3.007
Corporate, Lay, and Unlicensed Practice of Optometry Prohibited	64B13-3.008
False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure	64B13-3.009
Prescriptions	64B13-3.012

PURPOSE AND EFFECT: 64B13-3.006 – To require that the notification that a licensee is not a certified optometrist be in easily readable type size.

64B13-3.007 – To clarify that visual screens for research purposes do not require the minimum procedures set forth in the rule if the patient gives informed consent.

64B13-3.008 – To clarify what constitutes evidence of affecting the independent practice of a licensee.

64B13-3.009 – To establish type size in advertisements for free or discounted services.

64B13-3.012 – To add additional information required on prescriptions.

SUMMARY: 64B13-3.006 – It is required that the notification that a licensee is not a certified optometrist be in easily readable type size.

64B13-3.007 – It is clarified that visual screens for research purposes do not require the minimum procedures set forth in the rule if the patient gives informed consent.

64B13-3.008 – What constitutes evidence of affecting the independent practice of a licensee is clarified.

64B13-3.009 – Type size in advertisements for free or discounted services is established.

64B13-3.012 – Additional information required on prescriptions is added.

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: 463.005 FS.

LAW IMPLEMENTED: 456.072(1)(a),(j),(m),(p), 463.002(3), 463.005, 463.011, 463.012, 463.0135, 463.014, 463.016(1)(f),(g),(k) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B13-3.006 Licenses and Signs in Office.

(1) No change.

(2) A licensed practitioner who is not a certified optometrist shall display at every location at which he practices optometry a sign in Times New Roman 40 point font size or Courier New 44 point font size, or equivalent size which states: “I am a Licensed Practitioner, not a Certified Optometrist, and I am not able to prescribe topical pharmaceutical agents.”

Specific Authority 463.005(1) FS. Law Implemented 463.002(3), 463.011 FS. History–New 11-13-79, Amended 3-13-81, 6-29-82, Formerly 21Q-3.06, Amended 12-16-86, 2-13-90, Formerly 21Q-3.006, 61F8-3.006, 59V-3.006, Amended _____.

64B13-3.007 Minimum Procedures for Vision Analysis.

(1) through (6)(c) No change.

(d) Drug therapy research and contact lenses.

(7) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135, 463.016(1)(g),(k) FS. History–New 11-13-79, Amended 4-17-80, 7-29-85, Formerly 21Q-3.07, Amended 7-18-90, Formerly 21Q-3.007, 61F8-3.007, 59V-3.007, Amended 4-3-00, 4-5-04, _____.

64B13-3.008 Corporate, Lay, and Unlicensed Practice of Optometry Prohibited.

(1) through (9) No change.

(10) For the purposes of this rule, the terms “any aspect of the practice of optometry” and “any term or condition relative to his/her practice of optometry” shall include:

(a) No change.

(b) The type or brand of ophthalmic materials available, prescribed, or dispensed;

(c) through (g) No change.

(h) Fee schedules for optometric services and materials, and the establishment thereof, including billing methods; ~~and~~

(i) Information disseminated to the public regarding optometric services;-

(j) The type of insurance to be accepted or managed care organizations in which the optometrist must agree to participate.

(11) through (15)(k) No change.

(l) Agreeing to any provision of a lease or space agreement (whether oral or written) that in any way impairs, limits, or restricts the licensed practitioner’s full and independent professional judgment and responsibility, including lease or space agreements which include agreements to be evaluated by any employee or agent of the lessee, to provide a business plan or similar information to the lessee;

(m) through (p) No change.

(16) No change.

Specific Authority 463.005(1) FS. Law Implemented 456.072(1)(a),(j),(m),(p), 463.014, 463.016(1)(f),(g), 463.0135 FS. History–New 11-13-79, Amended 4-24-80, 12-19-84, Formerly 21Q-3.08, Amended 12-16-86, 3-25-91, 1-27-92, Formerly 21Q-3.008, 61F8-3.008, Amended 2-14-96, Formerly 59V-3.008, Amended _____.

64B13-3.009 False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure.

(1) through (7) No change.

(8) Any advertisement for free or discounted services must contain the disclaimer required by Section 456.062, F.S., in Times New Roman 40 point font or Courier New 44 point font, or an equivalent size type.

Specific Authority 463.005 FS. Law Implemented 456.072(1)(a),(m), 463.014, 463.016(1)(f),(g) FS. History–New 11-13-79, Amended 4-17-80, 8-20-81, Formerly 21Q-3.09, Amended 1-8-86, 12-16-86, Formerly 21Q-3.009, 61F8-3.009, 59V-3.009, Amended 1-2-02, _____.

64B13-3.012 Prescriptions.

(1) through (3) No change.

(4) Spectacle and contact lens prescriptions shall include are defined as follows:

(a) Spectacle prescriptions:

1. through 3. No change.

4. Prism amount, if necessary;-

5. Multifocal add power, if necessary.

6. Any other information necessary to accomplish the objective of the prescription.

(b) Contact lens prescriptions, including prescriptions for cosmetic, non-corrective lenses, as applicable:

1. through 3. No change.

4. ~~Range of S~~specific contact lens type/brand,

5. ~~Range of B~~base curve, if not included in type/brand,

6. ~~Range of D~~diameter, if not included in type/brand,

7. No change.

(5) No change.

Specific Authority 463.005 FS. Law Implemented 463.005, 463.012, 463.0135, 463.016(1)(k) FS. History—New 4-10-84, Formerly 21Q-3.12, Amended 3-4-86, 8-30-87, Formerly 21Q-3.012, 61F8-3.012, Amended 2-5-96, Formerly 59V-3.012, Amended 1-2-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE TITLE: Citation Authority
RULE NO.: 64B15-6.01051

PURPOSE AND EFFECT: The proposed of rule amendments are intended to set forth additional violations which are appropriate for issuance of a citation, and to increase the fine for failure to notify of a change in supervisor.

SUMMARY: The proposed rule amendments increase the penalty for failure to report a change in supervising physician from \$125 to \$250 per supervising physician. In addition the proposed amendments set forth a fine of \$500 for failure to notify the Board of action taken against the license in another jurisdiction. Finally the rule implements a \$500 fine for the first time failure to pay the fine or costs imposed by final order.

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

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

SPECIFIC AUTHORITY: 456.077, 459.005, 459.022(7)(f),(12) FS.

LAW IMPLEMENTED: 456.077, 459.015, 459.022(7)(f),(12) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.01051 Citation Authority.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall include a requirement that the licensee correct the offense, if possible, within a specified period of time, impose whatever obligations will correct the offense, and impose the prescribed penalty.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS	PENALTY
(a) through (f) No change.	
(g) Failure to report to the Department of addition/deletion/change of supervising physician(s). (Sections 456.035, 459.015(1)(g), 459.022(7)(e), (g), F.S.)	\$250 fine per supervising physician \$125 fine
(h) Failure to notify the Board in writing within 30 days if an action as defined in Section 459.015(1)(b), F.S., has been taken against one's license to practice as a physician assistant in another state, territory, or country if that action was based on action taken by the Florida Board of Osteopathic Medicine. (Section 456.072(1)(w), F.S.)	\$500 fine
(i) First time failure to pay fine or costs imposed by Board Order within 30 days of the due date of the fine or costs. (Failure to pay more than 30 days after the due date will result in an administrative complaint) (Section 456.072(1)(q), F.S.)	\$500 fine

(4) Citations shall be issued to licensees by the Bureau of Investigative Services only after review by the legal staff of the Department of Health, Division of Regulation. Such review may be by telephone, in writing, or by facsimile machine.

~~(5) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 456.073, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with other violations, then the procedures of Section 456.073, F.S., shall apply.~~

~~(6) The subject has 30 days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable to the "Department of Health" and sent to the Department of Health in Tallahassee. A copy of the citation shall accompany the payment of the fine.~~

(5)(7) The Department of Health shall, at the end of each calendar quarter, submit a report to the Board of the citations issued, which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects who dispute the citation and chose to follow the procedures of Section 456.073, F.S.

Specific Authority 456.077, 459.005, 459.022(7)(f),(12) FS. Law Implemented 456.077, 459.015, 459.022(7)(f),(12) FS. History--New 3-10-02, Amended 1-12-04, 5-4-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Physician Assistants
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE TITLE: Definitions
RULE NO.: 64B15-9.0055
PURPOSE AND EFFECT: The proposed rule is intended to address the definition of administrative medicine.
SUMMARY: The proposed rule sets for the definition of administrative medicine.
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(13), 459.005 FS.
LAW IMPLEMENTED: 456.036(9), 459.007(5) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-9.0055 Definitions.

The term "administrative medicine" as used in this rule chapter, shall be defined as the administration or management of a private or government organization, by a licensed physician, wherein the physician is required to apply and utilize the medical and clinical knowledge, skills, and judgment that are unique to a licensed physician. Administrative medicine shall include, but is not limited to,

administering or managing a hospital or other health service, developing health operational policy, planning or purchasing health services or administering or managing a government healthcare benefit program. Administration medicine does not include diagnosing or treating patients or the prescription of drugs or controlled substances.

Specific Authority 456.013(13), 459.005 FS. Law Implemented 456.036(9), 459.007(5) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE TITLE: Violations and Penalties
RULE NO.: 64B15-19.002
PURPOSE AND EFFECT: The proposed rule amendment is intended to address the penalty for licensees who have been terminated or failed to comply with a treatment program.
SUMMARY: The proposed rule amendments sets forth the penalty for licensees who have been terminated or failed to comply with a treatment program.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.079, 459.015(5) FS.
LAW IMPLEMENTED: 456.072, 456.079 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.002 Violations and Penalties.

In imposing discipline upon applicants and licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The statutory language is intended to provide a description of the violation

and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly under each violation description.

(1) through (57) No change.

(58) Being terminated from a treatment program for impaired practitioners, as described in s. 456.076, for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug-treatment or alcohol-treatment program. (456.072 (1), (gg) F.S.)

FIRST OFFENSE: stayed suspension and probation and \$2,500 fine suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$ 5,000 fine

SECOND OFFENSE: suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$ 7,500 fine revocation and \$10,000 fine

Specific Authority 456.079, 459.015(5) FS. Law Implemented 456.072, 456.079 FS. History--New 9-30-87, Amended 10-28-91, 1-12-93, Formerly 21R-19.002, 61F9-19.002, 59W-19.002, Amended 2-2-98, 2-11-01, 6-7-01, 2-26-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF HEALTH
Division of Environmental Health

RULE CHAPTER TITLE: Emergency Medical Services
 RULE CHAPTER NO.: 64E-2
 RULE TITLE: Emergency Medical Technician
 RULE NO.: 64E-2.008

PURPOSE AND EFFECT: The United States military has determined that it is beneficial to use Florida as a training ground for many of its emergency medical units. Florida desires individuals who are undergoing military training to promptly obtain certification in Florida so that they are not uncertified while working in Florida. This amendment will expedite the certification process for military personnel. The amended rule will allow military emergency medical technicians, who demonstrate competency by holding National Registry certification, to not have to sit for the Florida administered examination to undergo training in Florida.

SUMMARY: The Department of Health has determined that it is necessary to amend the rule relating to the certification of Emergency Medical Technicians to set forth an abbreviated procedure for the certification of certain members of the United States military who are temporarily assigned to Florida and meet certain criteria.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

Any person who wishes to provide information regarding the statement of estimated regulatory cost, 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, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS.

LAW IMPLEMENTED: 381.001, 401.23, 401.27, 401.34, 401.41, 401.411, 401.414 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 DEVELOPMENT IS: Don L. Bennett, M.B.A., Chief, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4053, e-mail: Don_Bennett@doh.state.fl.us, Fax (850)488-2512

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-2.008 Emergency Medical Technician.

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

(5) Individuals who document their possession of the following in their application shall be deemed to satisfy subsection 64E-2.010(4), F.A.C., for certification as an EMT only while these criteria are applicable:

(a) Status as a member of the United States military;

(b) Valid EMT certification from the National Registry of Emergency Medical Technicians; and

(c) Assignment to Florida as part of a training program to operate as an EMT.

Specific Authority 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414, FS. History--New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.56, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.056, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02, 11-3-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lisa M. Walker, Government Analyst II

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don L. Bennett, M.B.A., Chief, Bureau of Emergency Medical Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE TITLES:	RULE NOS.:
Definitions	65D-30.002
Department Licensing and Regulatory Standards	65D-30.003
Common Licensing Standards	65D-30.004
Standards for Intensive Inpatient Treatment	65D-30.0061
Standards for Day or Night Treatment with Community Housing	65D-30.0081
Standards for Aftercare	65D-30.011

PURPOSE AND EFFECT: Chapter 65D-30, F.A.C., titled Substance Abuse Services, is being amended in response to Legislative mandate, the need for additional levels of care within the substance abuse system of care, and the need to correct specific standards in administrative rules under Chapter 65D-30, F.A.C., that are in conflict with statutory requirements under Chapter 397, F.S.

SUMMARY: Chapter 397, F.S., provides the Department of Children and Family Services the authority to license substance abuse services. This includes the authority to license various levels of residential treatment. During the 2005 session of the Florida Legislature, Senate Bill 356 was passed and signed into law creating a new level of treatment which the department is authorized to license. This new level provides a higher intensity of treatment than is currently available in any level of residential treatment. This is because some clients are in need of a more intensive level of care than is typical of the services provided in even the highest level of residential treatment. This would be characteristic of short term, acute care services that are typically provided in an "intensive inpatient treatment" program. Also, insurance carriers are more likely to reimburse for intensive inpatient treatment which, in turn, will increase access to services for people who would benefit from this level of care.

Along with the addition of intensive inpatient treatment, the department is proposing to add another category of services to close a current gap in its system of care. This level of care will be called day or night treatment with community housing. This level of care, authorized by statute under day and night treatment, will fill a gap in the current system of care for persons with substance abuse problems who need housing while undergoing treatment in a day or night setting.

Finally, the amendment will further align the conditions currently stated in Chapter 65D-30, F.A.C., under which an interim license may be issued, with the conditions for issuance in Chapter 397, F.S.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: The cost to the department will be limited to the cost of adopting the amendments to Chapter 65D-30, F.A.C. It is estimated that the department will not experience any additional costs. The substance abuse provider

agencies should not anticipate any increase in costs relative to the adoption of these proposed rules since the amendments merely add two categories of services which the department will be authorized to license and includes clarifying language regarding issuance of interim licenses.

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: 397.321(5),(6) FS.

LAW IMPLEMENTED: 20.19(10), 397.311(18), 397.409(4) FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 31, 2005

PLACE: Department of Children and Family Services, 1317 Winewood Boulevard, Building 6, Conference Room A, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Phil Emenheiser, Senior Management Analyst Supervisor, Substance Abuse Program Office, 1317 Winewood Blvd., Building 6, Rm. 306, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

65D-30.002 Definitions.

(1) through (15) No change.

(16) "Component" means the operational entity of a provider that is subject to licensing. The primary components are listed and defined below.

(a) through (b) No change.

(c) "Intensive Inpatient Treatment" includes a planned regimen of evaluation, observation, medical monitoring, and clinical protocols delivered through an interdisciplinary team approach provided 24 hours per day, 7 days per week in a highly structured, live-in environment.

(c) through (d) renumbered (d) through (e) No change.

(f) "Day or Night Treatment with Community Housing" is provided on a nonresidential basis at least 5 hours each day and at least 25 hours each week and is intended for clients who can benefit from living independently in peer community housing while undergoing treatment.

(e) through (k) renumbered (g) through (m) No change.

(17) No change.

(18) "Co-occurring Disorder" means a diagnosis of a substance abuse disorder and a concurrent diagnosis of a psychiatric disorder.

(18) through (27) renumbered (19) through (28) No change.

(28) "Dual Diagnosis" means a diagnosis of a substance abuse disorder and a concurrent diagnosis of a psychiatric disorder.

(29) through (39) No change.

(40) “Medical Monitoring” means evaluation, care, and treatment, by medical personnel who are licensed under Chapter 458, Chapter 459, or Chapter 464, F.S., of clients whose substance abuse and related problems are severe enough to require intensive inpatient treatment using an interdisciplinary team approach.

(40) through (76) renumbered (41) through (77) No change.

Specific Authority 397.321(5) FS. Law Implemented 397.311, 397.321(1), 397.419 FS. History—New 5-25-00, Amended 4-3-03,_____.

65D-30.003 Department Licensing and Regulatory Standards.

(1) Licensing.

(a) No change.

(b) Licenses Issued by Premises. One license is required:

1. For each facility that is maintained on separate premises even if operated under the same management; and

2. Where all facilities are maintained on the same premises and operated under the same management.

In both cases, all components shall be listed on the license.

For the purposes of paragraph (b), living arrangements utilized for clients of day or night treatment with community housing do not constitute facilities or separate premises.

(c) No change.

(d) Special Information Displayed on Licenses. In the case of addictions receiving facilities, detoxification, intensive inpatient treatment, and residential treatment, each license shall include the licensed bed capacity. The department shall identify on the license those components provided in each facility that are accredited by a department recognized accrediting organization such as the Commission on Accreditation of Rehabilitation Facilities (CARF), the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO), and Council on Accreditation (COA). In the case of providers or components of providers that are accredited, licenses shall also include the statement, “THIS LICENSE WAS ISSUED BASED, IN PART, ON THE SURVEY REPORT OF A DEPARTMENT RECOGNIZED ACCREDITING ORGANIZATION.” This statement would not be included on the license when issuance is also based on the results of the department’s licensing inspections.

(2) Categories of Licenses; issuance.

(a) through (b) No change.

(c) Interim License.

1. Conditions Permitting Issuance. An interim license will replace a regular license for a period not to exceed 90 days, where the department finds that any one of the following conditions exist.

a. No change.

b. The provider has failed to provide proof of compliance with local fire, safety, or health, ~~or zoning~~ requirements.

c. No change.

2. No change.

(3) through (4) No change.

(5) Licensing Fees. Applicants for a license to operate as a licensed service provider as defined in subsection 397.311(18), F.S., shall be required to pay a fee upon submitting an application to the district office. The fees paid by privately funded providers shall exceed fees paid by publicly funded providers, as required in subsection 397.407(1), F.S. Applicants shall be allowed a reduction, hereafter referred to as a discount, in the amount of fees owed the department. The discount shall be based on the number of facilities operated by a provider. The fee schedules are listed by component as follows:

Publicly Funded Providers

Licensable Service Component Fee	
Addictions Receiving Facility	\$325
Detoxification	325
<u>Intensive Inpatient Treatment</u>	<u>325</u>
Residential Treatment	300
Day or Night Treatment/Host Home	250
<u>Day or Night Treatment/Community Housing</u>	<u>250</u>
Day or Night Treatment	250
Intensive Outpatient Treatment	250
Outpatient Treatment	250
Medication and Methadone	350
Maintenance Treatment Aftercare	200
Intervention	200
Prevention	200

Schedule of Discounts

Number of Licensed Facilities	Discount
2-5	10%
6-10	15%
11-15	20%
16-20	25%
20+	30%

Privately Funded Providers

Licensable Service Component Fee

Detoxification	375
<u>Intensive Inpatient Treatment</u>	<u>350</u>
Residential Treatment	350
Day or Night Treatment/Host Home	300
<u>Day or Night Treatment/Community Housing</u>	<u>300</u>
Day or Night Treatment	300
Intensive Outpatient Treatment	300
Outpatient Treatment	300
Medication and Methadone	400
Maintenance Treatment Aftercare	250
Intervention	250
Prevention	250

Schedule of Discounts	
Number of Licensed Facilities Discount	
2-5	5%
6-10	10%
11-15	15%
16-20	20%
20+	25%

(6) Application for Licensing. Applications for licensing shall be submitted initially and annually thereafter to the department along with the licensing required fee. Unless otherwise specified, all applications for licensure shall include the following:

(a) through (d) No change.

(e) A comprehensive outline of the services to be provided, including the licensed bed capacity for addictions receiving facilities, residential detoxification, intensive inpatient treatment, and residential treatment, to be submitted with the initial application, with the addition of each new component, or when there is a change of ownership;

(f) through (s) No change.

(t) Proof of the availability and provision of meals for addictions receiving facilities, residential detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, and day or night treatment, if applicable in the case of the two latter components (Inmate Substance Abuse Programs operated within Department of Corrections facilities are exempt from this requirement);

(u) Verification that a medical director has been designated for addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, and medication and methadone maintenance treatment; and

(v) No change.

(7) through (16) No change.

Specified Authority 397.321(5) FS. Law Implemented 20.19(10), 397.321(1), 397.401, 397.403, 397.405, 397.406, 397.407, 307.409, 397.411, 397.415, 397.419, 397.752, 633.022 FS. History—New 5-25-00, Amended 4-3-03,

65D-30.004 Common Licensing Standards.

(1) through (5) No change.

(6) Medical Director. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, and medication and methadone maintenance treatment. Providers shall designate a medical director who shall oversee all medical services. The medical director's responsibilities shall be clearly described. The provider shall notify the district office in writing when there is a change in the medical director and provide proof that the new medical director holds a current license in the state of Florida. In those cases where a provider operates treatment components

that are not identified in this subsection, the provider shall have access to a physician through a written agreement who will be available to consult on any medical services required by clients involved in those components ~~and as required by these rules.~~

(7) through (8) No change.

(9) Universal Infection Control. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, and medication and methadone maintenance treatment.

(a) through (b) No change.

(10) No change.

(11) Meals. At least three meals per day shall be provided to clients in addictions receiving facilities, residential detoxification, intensive inpatient treatment, residential treatment, and day or night treatment with host homes. In addition, at least one snack shall be provided each day. For day or night treatment with community housing and day or night treatment, the provider shall make arrangements to serve a meal to those clients involved in services a minimum of five hours at any one time. Clients with special dietary needs shall be reasonably accommodated. Under no circumstances may food be withheld for disciplinary reasons. The provider shall document and ensure that nutrition and dietary plans are reviewed and approved by a Florida registered dietitian at least annually.

Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections are exempt from the requirements of this subsection but shall provide such services as required by Chapter 33-204, F.A.C., titled Food Services. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements of this subsection but shall provide such services as required in the policies, standards, and contractual conditions established by the Department of Juvenile justice.

(12) Client/Participant Records.

(a) through (b) No change.

(c) Information Required in Client/Participant Records.

1. The following applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, and medication and methadone maintenance treatment. Information shall include:

a. Name and address of the client and referral source;

b. Screening information;

c. Voluntary informed consent for treatment or an order to treatment for involuntary admissions and for criminal and juvenile justice referrals;

- d. Informed consent for a drug screen, when conducted;
- e. Informed consent for release of information;
- f. Documentation of client orientation;
- g. Physical health assessment;
- h. Psychosocial assessment, except for detoxification;
- i. Diagnostic services, when provided;
- j. Client placement information;
- k. Abbreviated treatment plan, for addictions receiving facilities and detoxification;
 - l. Initial treatment plans, where indicated, and treatment plans, and subsequent reviews, except for addictions receiving facilities and detoxification;
 - m. Progress notes;
 - n. Record of disciplinary problems, when they occur;
 - o. Record of ancillary services, when provided;
 - p. Record of medical prescriptions and medication, when provided;
 - q. Reports to the criminal and juvenile justice systems, when provided;
 - r. Copies of service-related correspondence, generated or received by the provider, when available;
 - s. Transfer summary, if transferred; and
 - t. A discharge summary.

In the case of medical records developed and maintained by the Department of Corrections on inmates participating in inmate substance abuse programs, such records shall not be made part of information required in subparagraph 1. Such records shall be made available to authorized agents of the department only on a need-to-know basis.

2. through 4. No change.

(13) Screening. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, medication and methadone maintenance treatment, and intervention.

(a) through (d) No change.

(14) Assessment. ~~This requirement applies to Each client placed into an~~ addictions receiving facilities facility, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, and medication and methadone maintenance treatment. Clients shall undergo an assessment of the nature and severity of their substance abuse problem. The assessment shall include a physical health assessment and a psychosocial assessment.

(a) Physical Health Assessment. Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections are exempt from the requirements of this paragraph but shall provide such services as required in

Chapter 33-19, F.A.C., titled Health Services. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements of this subsection but shall provide such services as required in the policies, standards, and contractual conditions established by the Department of Juvenile Justice.

1. Nursing Physical Screen. A nursing physical screen shall be completed on each person considered for placement in ~~an~~ addictions receiving facilities facility, ~~or a detoxification, or intensive inpatient treatment component~~. The screen shall be completed by an R.N. or by an L.P.N. and countersigned by an R.N. The results of the screen shall be documented by the nurse providing the service and signed and dated by that person. If the nursing physical screen is completed in lieu of a medical history, further action shall be in accordance with the medical protocol established under subsection 65D-30.004(7), F.A.C.

2. Medical History. A medical history shall be completed on each client.

a. For intensive inpatient treatment, the history shall be completed within 1 calendar day of placement. In those cases where a client is placed directly into intensive inpatient treatment from detoxification or residential treatment, the medical history completed on the client while in detoxification or residential treatment may be accepted.

~~b.a.~~ For residential treatment, day or night treatment with host homes, and medication and methadone maintenance treatment, the history shall be completed within 30 calendar days prior to placement, or within 1 ~~one~~ calendar day of placement.

~~c.b.~~ For day or night treatment with community housing, day or night treatment, intensive outpatient treatment, and ~~for~~ outpatient treatment, a medical history shall be completed within 30 calendar days prior to or upon placement.

For the components identified in sub-subparagraphs a. and b., the medical history shall be completed by the physician, or in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C. Further, the history shall be reviewed, signed and dated by the physician in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C. For the components identified in sub-subparagraph ~~c.b.~~, the medical history shall be completed by the client or the client's legal guardian. For all components, the medical history shall be maintained in the client record and updated annually if a client remains in treatment for more than 1 year.

3. Physical Examination. A physical examination shall be completed on each client.

a. No change.

b. For intensive inpatient treatment, the physical examination shall be completed within 7 calendar days prior to placement or within 1 calendar day of placement. In those cases where a client is placed directly into intensive inpatient

treatment from detoxification or residential treatment the physical examination completed on the client while in detoxification or residential treatment may be accepted.

~~c.b.~~ For residential treatment and ~~for~~ day or night treatment with host homes, the physical examination shall be completed within 30 calendar days prior to placement or 10 calendar days after placement.

~~d.e.~~ No change.

For components identified in sub-subparagraphs a.-~~d.e.~~, the physical examination shall be completed by the physician, or in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C. Further, the examination shall be reviewed, signed and dated by the physician in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C.

4. Laboratory Tests. Clients shall provide a sample for testing blood and urine, including a drug screen.

a. For addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, and day or night treatment with host homes, all laboratory tests will be performed in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C. Further, the results of the laboratory tests shall be reviewed, signed and dated during the assessment process and in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C.

b. No change.

5. Pregnancy Test. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, and medication and methadone maintenance treatment. Female clients shall be evaluated by a physician, or in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C., to determine the necessity of a pregnancy test. In those cases where it is determined necessary, clients shall be provided testing services directly or by referral as soon as possible following placement.

6. Tests For Sexually Transmitted Diseases and Tuberculosis. A serological test for sexually transmitted diseases and a screening test for tuberculosis to determine the need for a Mantoux test shall be conducted on each client.

a. For intensive inpatient treatment, residential treatment, and day or night treatment with host homes, tests will be conducted within the time frame specified for the physical examination. The results of both tests shall be reviewed and signed and dated by the physician, or in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C., and filed in the client record.

b. No change.

7. No change.

8. Additional Requirements for Intensive Inpatient Treatment, Residential Treatment, and Day or Night Treatment with Host Homes. If a client is readmitted within 90 calendar days of discharge to the same provider, a physical examination

shall be conducted as prescribed by the physician. If a client is readmitted to the same provider after 90 calendar days of the discharge date, the client shall receive a complete physical examination.

9. No change.

(b) Psychosocial Assessment.

1. No change.

2. Requirements for Components. Any psychosocial assessment that is completed within 30 calendar days prior to placement in any component identified in sub-subparagraphs a.-~~f. e.~~ may be accepted by the provider placing the client. Otherwise, the psychosocial assessment shall be completed according to the following schedule.

a. No change.

b. For intensive inpatient treatment, the psychosocial assessment shall be completed within 3 calendar days of placement.

~~c.b.~~ No change.

~~d.e.~~ For residential treatment levels 2, 3, 4, 5, day or night with host homes, day or night treatment with community housing, and day or night treatment, the psychosocial assessment shall be completed within 10 calendar days of placement.

d. through e. renumbered e. through f. No change.

3. through 5. No change.

(c) No change.

(15) Client Placement Criteria and Operating Procedures. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, outpatient treatment, intervention, and medication and methadone maintenance treatment. Providers shall have operating procedures that clearly state the criteria for admitting, transferring, and discharging clients. This would include procedures for implementing these placement requirements.

(16) Primary Counselor, Orientation, and Initial Treatment Plan. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, and medication and methadone maintenance treatment.

(a) through (c) No change.

(17) Treatment Plan, Treatment Plan Reviews, and Progress Notes.

(a) Treatment Plan. Each client shall be afforded the opportunity to participate in the development and subsequent review of the treatment plan. The treatment plan shall include goals and related measurable behavioral objectives to be achieved by the client, the tasks involved in achieving those

objectives, the type and frequency of services to be provided, and the expected dates of completion. The treatment plan shall be signed and dated by the person providing the service, and signed and dated by the client. If the treatment plan is completed by other than a qualified professional, the treatment plan shall be reviewed, countersigned, and dated by a qualified professional within 10 calendar days of completion. In the case of Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections, the treatment plan shall be reviewed, countersigned, and dated by a qualified professional within 30 calendar days of completion. A written treatment plan shall be completed on each client.

1. No change.

2. For intensive inpatient treatment, the treatment plan shall be completed within 3 calendar days of placement.

~~3.2. For residential treatment level 1, the treatment plan shall be completed prior to, or within 7 calendar days of placement. For residential treatment levels 2, 3, 4, and 5, and for day or night treatment with host homes, the treatment plan shall be completed prior to or within 15 calendar days of placement.~~

4. For residential treatment levels 2, 3, 4, and 5, day or night treatment with host homes, and day or night treatment with community housing, the treatment plan shall be completed prior to or within 15 calendar days of placement.

3. through 5. renumbered 5. through 7. No change.

(b) Treatment Plan Reviews. Treatment plan reviews shall be completed on each client.

1. For intensive inpatient treatment, treatment plan reviews shall be completed every 7 calendar days.

~~2.4. For residential treatment levels 1, 2, and 3, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, and outpatient treatment, treatment plan reviews shall be completed every 30 calendar days.~~

2. through 3. renumbered 3. through 4. No change.

(c) Progress Notes. Progress notes shall be entered into the client record documenting a client's progress or lack of progress toward meeting treatment plan goals and objectives. When a single service event is documented, the progress note will be signed and dated by the person providing the service. When more than one service event is documented, progress notes may be signed by any clinical staff member assigned to the client. The following are requirements for recording progress notes.

1. For addictions receiving facilities, residential detoxification, outpatient detoxification, short-term residential methadone detoxification, short-term outpatient methadone detoxification, and intensive inpatient treatment, progress notes shall be recorded at least daily.

2. For residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, and long-term outpatient methadone detoxification, progress notes shall be recorded at least weekly.

3. through 4. No change.

(18) Ancillary Services. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, aftercare, and medication and methadone maintenance treatment. Ancillary services shall be provided directly or through referral in those instances where a provider can not or does not provide certain services needed by a client. The provision of ancillary services shall be based on client needs as determined by the treatment plan and treatment plan reviews. In those cases where clients need to be referred for services, the provider shall use a case management approach by linking clients to needed services and following-up on referrals. All such referrals shall be initiated and coordinated by the client's primary counselor or other designated clinical staff who shall serve as the client's case manager. A record of all such referrals for ancillary services shall be maintained in the client record, including whether or not a linkage occurred or documentation of efforts to confirm a linkage when confirmation was not received.

(19) No change.

(20) Record of Disciplinary Problems. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, medication and methadone maintenance treatment, aftercare, and intervention. A record of disciplinary problems encountered with clients and specific actions taken to resolve problems shall be maintained.

(21) No change.

(22) Discharge and Transfer Summaries. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, medication and methadone maintenance treatment, aftercare, and intervention.

(a) through (b) No change.

(23) through (33) No change.

(34) Facility Standards. Facility standards in paragraphs (a)-(k) apply to addictions receiving facilities, residential detoxification facilities, intensive inpatient treatment, and residential treatment facilities. Facility standards in paragraphs (f)-(k) apply to day or night treatment with host homes, day or

night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, and medication and methadone maintenance treatment.

(a) through (c) No change.

(d) Laundry Facilities. Laundry facilities or laundry services shall be available which ensure the availability of clean clothing, bed linens, and towels.

(e) through (k) No change.

(35) through (37) No change.

Specific Authority 397.321(5) FS. Law Implemented 20.19(10), 232, 384, 397.311(23), 397.311(28), 397.321(1), 397.405, 397.419, 397.451, 397.471, 397.501, 397.601, 397.675, 397.705, 397.706, 633.022, 944.026, 948 FS. History—New 5-25-00, Amended 4-3-03,_____.

65D-30.0061 Standards for Intensive Inpatient Treatment. In addition to Rule 65D-30.004, F.A.C., the following standards apply to intensive inpatient treatment.

(1) Specialized Services. Providers shall make provisions to meet the needs of clients with a co-occurring substance abuse and mental health disorder and related biomedical disorders. This will include protocols for:

(a) Providing clinical services daily by an interdisciplinary team of qualified staff;

(b) Planned clinical program activities designed to stabilize acute addictive and psychiatric symptoms, adapted to the client's developmental stage and level of comprehension;

(c) Monitoring the client's compliance in taking prescription medication on a regular basis, including medication education;

(d) Reviewing the client's recent psychiatric history and mental status examination;

(e) Developing a comprehensive psychiatric history and conducting a mental status examination as determined by the client's needs;

(f) Providing co-occurring enhanced services as defined in the American Society of Addiction Medicine (ASAM) Patient Placement Criteria; and

(g) Providing related biomedical services, as determined by the client's needs.

(2) Standard Services. Standard services shall include a specified number of hours of counseling as provided for in subsection 65D-30.0061(3), F.A.C. Each provider shall be capable of providing or arranging for the services listed below. With the exception of counseling, it is not intended that all services listed below be provided. Services shall be provided in accordance with the needs of the client as identified in the treatment plan as follows:

(a) Individual counseling;

(b) Group counseling;

(c) Counseling with families;

(d) Substance abuse education, such as strategies for avoiding substance abuse or relapse, information on health problems related to substance abuse, motivational enhancement, and strategies for achieving a substance-free lifestyle;

(e) Life skills training such as anger management, communication skills, employability skills, problem solving, relapse prevention, recovery management, decision-making, relationship skills, and symptom management;

(f) Non-verbal therapies such as recreation therapy, art therapy, music therapy, or dance (movement) therapy to provide the client with alternative means of self expression and problem resolution;

(g) Training or advising in health and medical issues;

(h) Employment or educational support services to assist clients in becoming financially independent; and

(i) Mental health services for the purpose of:

1. Managing clients with disorders who are stabilized;

2. Evaluating clients' needs for in-depth mental health assessment;

3. Training clients to manage symptoms; and

4. Timely referral to an appropriate provider for mental health crises or for the emergence of a primary mental health disorder, if the provider is not staffed to address primary mental health problems which may arise during treatment.

(3) Required Hours of Services.

(a) Clients shall receive services each week in accordance with subsections 65D-30.0061(1) and (2), F.A.C., including at least 14 hours of counseling and 20 hours of other structured activities.

(4) Observation of Clients. Clients requiring close medical observation, as determined and documented by medical staff, shall be visible and readily accessible to nursing staff. Clients who do not require close medical observation shall be in a bed area that allows for general nursing observation.

(5) Staff Coverage.

(a) There shall be nursing coverage 24 hours per day, 7 days per week. An R.N. shall supervise all nursing staff and an R.N. or L.P.N. shall be on-site. Nursing staff shall be responsible for monitoring each client's progress and medication administration. An R.N. or L.P.N. shall conduct a mental health focused nursing assessment at the time of placement. A physician shall be on-call 24 hours per day, 7 days per week.

(b) A psychiatrist or psychiatric A.R.N.P. or P.A. shall be available by telephone to assess the client's mental condition, if needed. A face-to-face assessment shall be conducted on clients with a co-occurring disorder within 3 calendar days of placement.

(c) A qualified professional licensed under Chapter 490 or 491, F.S., shall be a member of the interdisciplinary team and shall be on-site daily. At least one member of the non-medical clinical staff shall be on-site between the hours of 7:00 a.m. and 11:00 p.m. and on-call between 11:00 p.m. and 7:00 a.m.

(6) Caseload. No primary counselor may have a caseload that exceeds 10 currently participating clients.

(7) Transportation. Each provider shall arrange for or provide transportation services to clients who are involved in activities or in need of services that are provided at other facilities.

Specific Authority 397.321(5) FS. Law Implemented 397.311(18)(c), 397.321(1), 397.419 FS. History—New _____.

65D-30.0081 Standards for Day or Night Treatment with Community Housing.

In addition to Rule 65D-30.004, F.A.C., the following standards apply to day or night treatment with community housing.

(1) Description. Day or night treatment with community housing is appropriate for clients who do not require structured, 24-hours-a-day, 7-days-a-week residential treatment. This component allows clients to live in a supportive, community housing location while participating in treatment. This means that no treatment takes place in the housing where the clients live and that the housing is utilized solely for the purpose of assisting clients in making a transition to independent living. Clients who are considered appropriate for this level of care:

(a) Would not have active suicidal or homicidal ideation or present a danger to self or others;

(b) Are able to demonstrate motivation to work toward independence;

(c) Are able to demonstrate a willingness to live in supportive community housing;

(d) Are able to demonstrate commitment to comply with rules established by the provider;

(e) Are not in need of detoxification or residential treatment; and

(f) Typically need ancillary services such as transportation, assistance with shopping, or assistance with medical referrals and may need to attend and participate in certain social and recovery oriented activities in addition to other required clinical services.

(2) Services. Services shall include counseling as provided for in subsection 65D-30.0081(3), F.A.C. Each provider shall be capable of providing or arranging for the services listed below. With the exception of counseling and life skills training, it is not intended that all services listed be provided. For clients participating under subsection 65D-30.004(35), F.A.C., services shall be provided according to the conditions of the Department of Corrections' contract with the provider.

Otherwise, services shall be provided in accordance with the needs of the client as identified in the treatment plan, as follows:

(a) Individual counseling;

(b) Group counseling;

(c) Counseling with families;

(d) Substance abuse education, such as strategies for avoiding substance abuse or relapse, information on health problems related to substance abuse, motivational enhancement, and strategies for achieving a substance-free lifestyle;

(e) Life skills training such as anger management, communication skills, employability skills, problem solving, relapse prevention, recovery management, decision-making, relationship skills, symptom management, and food purchase and preparation;

(f) Non-verbal therapies such as recreation therapy, art therapy, music therapy, or dance (movement) therapy to provide the client with alternative means of self expression and problem resolution;

(g) Training or advising in health and medical issues;

(h) Employment or educational support services to assist clients in becoming financially independent;

(i) Nutrition education;

(j) Mental health services for the purpose of:

1. Managing clients with disorders who are stabilized;

2. Evaluating clients' needs for in-depth mental health assessment;

3. Training clients to manage symptoms; and

4. Timely referral to an appropriate provider for mental health crises or for the emergence of a primary mental health disorder if the provider is not staffed to address primary mental health problems that may arise during treatment.

(3) Required Hours of Services. Each client shall receive a minimum of 25 hours of services per week in accordance with subsection 65D-30.0081(2), F.A.C. This shall include individual counseling, group counseling, or counseling with families. In those instances where a provider requires fewer hours of participation in the latter stages of the client's treatment process, this shall be clearly described and justified as essential to the provider's objectives relative to service delivery.

(4) Staff Coverage. Each provider shall have an awake, paid employee on the premises at all times at the treatment location when one or more clients are present. In addition, the provider shall have a paid employee on call during the time when clients are at the community housing location.

(5) Caseload. No primary counselor may have a caseload that exceeds 15 clients.

(6) Transportation. Each provider shall arrange for or provide transportation services, if needed and as appropriate, to clients who reside in community housing.

(7) Inspection. Providers shall have evidence that the community housing complies with fire and safety and health codes as required at the local level.

Specific Authority 397.321(5) FS. Law Implemented 397.311(18)(e), 397.321(1), 397.419 FS. History–New _____.

65D-30.011 Standards for Aftercare.

In addition to Rule 65D-30.004, F.A.C., the following standards apply to aftercare.

(1) Client Eligibility. Clients who have successfully completed intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, or medication and methadone maintenance treatment are eligible for aftercare services.

(2) No change.

Specific Authority 397.321(5) FS. Law Implemented 397.311(18)(f)(49)(e), 397.321(1), 397.419 FS. History–New 5-25-00, Amended 4-3-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Phil Emenheiser

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Bryant, Acting Director, Substance Abuse Program Office

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2005

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers’ Compensation

RULE TITLE: RULE NO.:

Employer Worksites 69L-6.029

PURPOSE AND EFFECT: Section 440.107(7)(a), F.S., declares that a stop-work order requires an employer to cease all business operations. Further, the section states that “[i]n addition to serving a stop-work order at a particular worksite which shall be effective immediately, the department shall immediately proceed with service upon the employer which shall be effective upon all employer worksites in the state for which the employer is not in compliance.” The purpose of this rule is to prescribe the scope of a stop-work order issued against an employer who violates the coverage requirements or the records production requirements specified in the Workers’ Compensation Law, Chapter 440, F.S. In effect, this rule codifies worksites for which an employer is not in compliance for purposes of serving a stop-work order directing an employer to cease all business operations at all worksites in the state or at a particular worksite in the state. Also the rule declares that a penalty assessed under Section 440.107(7)(d)1., F.S., shall be based on an employer’s payroll at all worksites where the employer is not in compliance.

SUMMARY: The scope of stop-work orders issued under Section 440.107, 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: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(7)(a), 440.107(7)(d)1. 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., October 31, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrew Sabolic, Bureau Chief, Bureau of Compliance, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.029 Employer Worksites.

(1) “Worksite” for purposes of this rule means a place in Florida where an employer conducts business operations.

(2) Upon service of a stop work order on an employer, the stop work order shall be effective upon all employer worksites in the state for which the employer is not in compliance.

(3) The worksites for which an employer is not in compliance shall be determined as follows:

(a) If the employer failed to meet the coverage requirements of Chapter 440, F.S. and the Florida Insurance Code, all worksites of the employer in the state are not in compliance and the stop work order shall be in effect for all the employer’s worksites requiring the cessation of all business operations for such employer in the state.

(b) If an out-of-state employer that is required to provide workers’ compensation coverage for employees engaged in work in Florida, pursuant to Rule 69L-6.019, F.A.C., failed to obtain or maintain a Florida policy or endorsement that utilizes Florida class codes, rates, rules, and manuals that are in compliance with and approved under the provisions of Chapter 440, F.S., and the Florida Insurance Code, all worksites of the employer in the state are not in compliance and the stop work

order shall be in effect for all the employer’s worksites requiring the cessation of all business operations for such employer in the state.

(c) If the employer failed to produce the required business records within five business days after receipt of the written request of the department, all worksites of the employer in the state are not in compliance and the stop work order shall be in effect for all the employer’s worksites requiring the cessation of all business operations for such employer in the state.

(d) If the employer has materially understated or concealed payroll, all worksites of the employer in the state are not in compliance and the stop work order shall be in effect for all the employer’s worksites requiring the cessation of all business operations for such employer in the state.

(e) If the employer materially misrepresented or concealed employee duties so as to avoid proper classification for premium calculations, all worksites of the employer in the state are not in compliance and the stop work order shall be in effect for all the employer’s worksites requiring the cessation of all business operations for such employer in the state.

(f) If the employer materially misrepresented or concealed information pertinent to the computation and application of an experience modification factor, all worksites of the employer in the state are not in compliance and the stop work order shall be in effect for the employer’s worksites requiring the cessation of all business operations for such employer in the state.

(g) If the employer is a contractor that sublets any work at a particular worksite to a subcontractor and the contractor and subcontractor each failed to secure the payment of compensation for the subcontractor or the employees of the subcontractor engaged in work at the particular worksite, then a stop-work order issued to the contractor shall require the cessation of all business operations of the contractor at that particular worksite.

(4) A penalty assessed under Section 440.107(7)(d)1., F.S., that exceeds the statutory minimum penalty shall include the employer’s payroll and any violations of Section 440.107, F.S., for all its worksites where the employer is not in compliance.

specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7)(a), 440.107(7)(d)1. FS. History–New _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Andrew Sabolic, Bureau Chief, Bureau of Compliance
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner, Workers’ Compensation, Assistant Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-11.002	Standards of National Fire Protection Association Adopted
5F-11.044	Out-of-gas, leak call, and interrupted service procedure
5F-11.046	Introducing Gas into Containers for Transportation; Dealer to Insure Compliance
5F-11.050	Installation of Unvented Room Heaters

NOTICE OF CORRECTION

Notice is hereby given that the following corrections are made to the above proposed rules which were published in the August 26, 2005, issue of the Florida Administrative Weekly, Vol. 31, No. 34, pages 2987 through 2990. These corrections are technical in nature and do not affect the substance of the proposed rule.

Proposed Rule paragraph 5F-11.002(a). The section “3.2.10” is the deleted language and should be stricken.

Proposed Rule paragraph 5F-11.044(2)(c). The words “Section 4.2” are deleted language and should be stricken.

Proposed Rule 5F-11.046. The words “Chapter 6” are deleted language and should be stricken.

Proposed Rule 5F-11.050. The words “1992 edition” are deleted language and should be stricken.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vicki O’Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, (850)921-4944

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section IV Emergency Rules

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES:	RULE NOS.:
Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods	12BER05-6
Department of Revenue Electronic Database	12BER05-7
Certification of Service Address Databases	12BER05-8
Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions	12BER05-9

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: The Communications Services Tax Simplification Law (Chapter 202, F.S.) requires that communications services dealers must collect and remit local communications services taxes based on the rate of the local taxing jurisdiction in which customer service addresses are located. The Department of Revenue is required to develop and maintain an electronic database in which local service addresses are assigned to local jurisdictions, and local governments are required to provide information for inclusion in the database. The initial electronic database has been developed, and the announcement concerning its availability and initial effective date was included in the April 5, 2002, issue of the Florida Administrative Weekly. Use of certain methods to assign service addresses, including use of a database that has been certified by the Department of Revenue as meeting statutory accuracy standards, entitles a dealer to a higher collection allowance and to protection against liability for taxes, interest, and penalties resulting from erroneous service address assignments. The promulgation of these emergency rules ensures the following: 1) that communications services tax dealers are informed of their obligations concerning the assignment of customer service addresses, of the methods of assigning addresses that will entitle dealers to protection against liability, and of the methods of assigning addresses that will entitle a dealer to a higher collection allowance; 2) that the procedures and forms for the Department and local governments to maintain the accuracy of the database on an on-going basis are immediately available; and 3) that the procedures and forms for application for certification by the Department of databases used by communications services tax dealers are available.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized promulgation of emergency

rules, and the renewal of such rules, to administer the provisions of the Communications Services Tax Simplification Law. Emergency rules are the most appropriate means of ensuring that local governments have procedures and forms in place to assure they can meet the statutory deadline to submit changes for inclusion in the next update of the Department of Revenue database. Emergency rules are also the most appropriate means for providing communications services dealers and others with procedures and forms to apply for certification of service address databases.

The Department of Revenue has sought comment on these emergency rules to the extent possible within the time restraints resulting from the statutory requirements.

SUMMARY OF THE RULES: Emergency Rule 12BER05-6 provides guidelines on: 1) the requirement that communications services dealers assign customer service addresses to local taxing jurisdictions; 2) the use of certain databases to avoid liability for errors in customer service address assignments; 3) the due diligence standard applicable to dealers using databases that provide protection from liability for errors in assigning customer service addresses; and 4) the collection allowance available depending on the database used by a communications services dealer. Emergency Rule 12BER05-7 provides guidelines on: 1) the electronic customer service database maintained by the Department of Revenue; 2) the procedures for local taxing jurisdictions to request changes to the Department of Revenue database; and 3) procedures for any substantially affected person to object to the assignment of a customer service address in the Department of Revenue database. Emergency Rule 12BER05-8 provides guidelines on the standards and procedures for certification of a customer service address database developed by a communications services dealer or a vendor. Emergency Rule 12BER05-9 provides guidelines on the use of an enhanced zip code method to assign customer service addresses.

These emergency rules also adopt and incorporate by reference four (4) forms required for administration of the Communications Services Tax Simplification Law and a set of instructions that are incorporated into the on-line Department of Revenue service address database. The forms are: Form DR-700022, "Local Communications Services Tax Notification of Jurisdiction Change"; Form DR-700025, "Objection to Communications Services Tax Electronic Database Service Address Assignment"; Form DR-700026, "Local Government Authorization for Address Changes Described on Form DR-700026"; and Form DR-700027, "Local Government Authorization for Omission of Address or Range or Incorrect Address Identification." The on-line instructions incorporated by reference are the "Guide for Address Change Requests."

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

THE FULL TEXT OF THE EMERGENCY RULES IS:

12BER05-6 Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods.

(1)(a) Dealers of communications services that are required to collect local communications services taxes must assign each customer service address to a specific local taxing jurisdiction for purposes of determining the appropriate local communications services tax rate to be applied to sales made to that address. Local communications services taxes must be collected and remitted for each service address in accordance with the service address assignments in the effective communications services tax Address/Jurisdiction Database, which is the official electronic database maintained by the Department that is posted 90 days prior to its adoption and becomes effective every January 1 and July 1, as discussed in Emergency Rule 12BER05-7. Except as otherwise provided in subsection (2), a dealer is liable for any additional local communications services taxes, interest, and penalties that are due as a result of assigning service addresses to incorrect local taxing jurisdictions when the correct local taxing jurisdiction's tax rate exceeds the incorrectly assigned local taxing jurisdiction's tax rate.

(b) In determining the liability for any additional local communications services taxes, interest, and penalties of a dealer who has failed to assign a service address to the correct local taxing jurisdiction, the Department will take into account any amount of local communications services tax that was collected and erroneously assigned by the dealer to another local taxing jurisdiction. The Department will reallocate and redistribute such amounts between the local taxing jurisdictions involved to apply the payment of any additional local communications services taxes to the correct local taxing jurisdiction. Interest and penalties will be applied only to the additional local communications services taxes due on the sale after crediting the dealer with the amount of local communications services tax collected that was erroneously based on an assignment to an incorrect local taxing jurisdiction. In addition, a specific penalty of 10 percent of any tax collected but reported to an incorrect jurisdiction as a result of an incorrect address assignment, not to exceed \$10,000 per return, will be imposed on any dealer that does not use a database described in paragraph (2)(a).

(c) When a dealer fails to respond to a contact by the Department to the dealer's designated managerial representative regarding the completeness or accuracy of the

dealer's return, or when a dealer's records are determined to be inadequate for purposes of determining whether the dealer properly allocated tax to or between local governments, the Department may use the best information available to determine the proper allocation or reallocation. In such circumstances, the Department shall seek the agreement of the affected local governments.

(2)(a) A dealer will not be liable for any additional local communications services taxes, interest, or penalty due solely because of an error in assigning a service address to a local taxing jurisdiction if the dealer exercised due diligence in employing one or more of the following methodologies in assigning that service address:

1. The Address/Jurisdiction Database;
2. A database that has been certified by the Department, as provided in Emergency Rule 12BER05-8;
3. An enhanced zip code method, as discussed in Emergency Rule 12BER05-9; or
4. A database that, upon audit by the Department, is determined to have met the accuracy rate criterion required for certification under Emergency Rule 12BER05-8.

(b) A dealer must timely notify the Department of the method or methods to be used in assigning service addresses. Upon initial registration with the Department for communications services tax purposes, dealers should provide that information when completing Form DR-1, Application to Collect and/or Report Tax in Florida (incorporated by reference in Rule 12A-1.097, F.A.C.). If a dealer changes the method or methods to be used, the dealer must notify the Department of the change in method or methods and of the effective date of the change on Form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax) (incorporated by reference in Rule 12A-19.100, F.A.C.).

(c) Due Diligence. In order to avoid liability for any additional local communications services tax, penalty, and interest resulting from errors in the assignment of customer service addresses to local taxing jurisdictions under paragraph (a), a dealer must exercise due diligence in employing one or more of the described methodologies. The dealer must exercise the care and attention that is expected from and ordinarily exercised by a reasonable and prudent person, under the circumstances, when ascertaining the correct local taxing jurisdiction to which the purchaser's service address should be assigned.

1. A dealer is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement one or more of the methods described in paragraph (a) and maintains adequate internal controls in the assignment of service addresses.

a. Internal controls in the assignment of service addresses are adequate if the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates to its

database at least once every six months and corrects errors in assignments of service addresses within 120 days from discovering or being notified of such errors by any person. A dealer's internal controls must ensure that procedures are in place to prevent the recurrence of errors that the dealer was previously notified of and has previously corrected. A dealer may choose to update its database more frequently than once every six months, as long as the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates. The auxiliary file described in paragraph (1)(b) of Emergency Rule 12BER05-7, that is maintained by the Department and available to dealers and local government users may be used by the dealer to update the dealer's database more frequently than the minimum of at least once every six months. However, the availability of the auxiliary file on the Department's website does not constitute notice to a dealer of errors in the dealer's assignments of service addresses contained in the auxiliary file.

b. Internal controls in the assignment of service addresses are not adequate if the procedures in place to prevent the recurrence of previously corrected errors are not used to prevent the recurrence of incorrect assignments. Once notified by any person of an error, the dealer must ensure that the corrected information is preserved in its database. In the event that an error recurs, the dealer will be considered to have exercised due diligence as required for the protection described in paragraph (a) only if the recurrence occurs even though the dealer did in fact exercise the care and attention that is expected from, and ordinarily exercised by, a reasonable and prudent person under the circumstances, with regard to the recurrence of the error.

2. A communications services dealer must maintain records to establish that the dealer has exercised due diligence for the period of time during which the Department is authorized to assess taxes on sales of communications services by that dealer. Examples of such records include instructions or procedures provided to employees, contracts and correspondence with third-party vendors or service providers concerning the acquisition or maintenance of data, documentation establishing that the data was consistently updated at least once every six months, records concerning customer or local taxing jurisdiction objections to the assignment of service addresses and responses to those objections, records of changes made to the assignment of service addresses and when the changes were made, and any other records that pertain to the acquisition, maintenance, and revision of the data upon which service address assignments are based. For purposes of documenting that the dealer corrected errors within 120 days of notice or discovery, dealers should maintain documentation that establishes that the amount of time between the initial notification or discovery of the error and correction of the error did not exceed 120 days. Keeping records of each step within the process or procedures used to correct the error is not necessary; however, to establish

due diligence, the dealer must be able to demonstrate that the overall time required to correct errors did not exceed 120 days. A dealer will not be entitled to the protection described in paragraph (a) during any period that the dealer does not have records establishing that the dealer exercised due diligence for that period.

3. If a communications services dealer uses a certified database provided by a third-party vendor, the communications services dealer must exercise due diligence in its own conduct in using the database. A dealer using a certified database provided by a third-party vendor is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement the third-party vendor's certified database and maintains adequate internal controls in the assignment of service addresses. As part of its due diligence, the dealer must comply with the vendor's instructions or directions in the dealer's use of the certified database. Further, the dealer has a duty to take reasonable steps to ascertain that the vendor maintains the database so as to ensure continuing qualification for certification. For example, if a vendor failed to provide an update to the database when scheduled to do so, a reasonable and prudent dealer relying on that vendor's database would contact the vendor and make inquiry. A dealer that uses a third-party vendor's certified database must ensure that when the dealer discovers or is notified of errors in assignments of service addresses, the errors are corrected within 120 days from discovering or being notified of such errors and that procedures are in place to ensure that the error is not repeated when a subsequent update is obtained from the vendor. Nothing in this subparagraph requires a dealer using a certified database to update its database more than two (2) times a year, so long as each update incorporates all changes received from the vendor since the prior update.

(d) If a communications services dealer uses multiple databases or methodologies, such dealer is protected from liability for any additional local communications services tax, interest, and penalty only as to service addresses assigned as specified in paragraph (a) of this subsection. Such a dealer is liable as provided in subsection (1) for any additional local communications services taxes, interest, and penalties in regard to erroneous jurisdictional assignments for any service address not assigned by a methodology described in paragraph (a). A dealer that uses multiple databases must maintain documents demonstrating that a service address has been assigned employing a methodology described in paragraph (a) in order to be held harmless for any additional local communications services taxes resulting from erroneous assignment of that service address.

(e)1. Employing one or more of the methods described in paragraph (a) protects a dealer from liability for any additional local communications services taxes and related interest and penalties that would otherwise have been due to a local taxing jurisdiction. All requests by a purchaser for a refund or credit

must comply with the provisions of Section 202.23, F.S., which controls a purchaser's entitlement to a refund or credit. A dealer's employment of one or more of the methods described in paragraph (a) does not deprive a purchaser of the right to a refund or credit of overpayment of local communications services taxes resulting from an erroneous assignment of that customer's service address to a local taxing jurisdiction with a higher rate than that in effect in the correct local taxing jurisdiction. If a purchaser complies with the procedural requirements of Section 202.23, F.S., and establishes that the dealer has incorrectly assigned the purchaser's service address and that an overpayment of local communications services tax has resulted, the dealer must refund or credit the amount of the overpayment to the purchaser. Upon making such refund or credit, the dealer would be entitled to an equal refund or credit from the Department upon proper reporting to the Department of the amount and jurisdictions involved. Dealers are not entitled to retain or take credits for taxes collected from any customers assigned to an incorrect local taxing jurisdiction in excess of the taxes due to the correct local taxing jurisdiction unless a refund or credit has been provided to the customer.

2. For purposes of this paragraph, a purchaser that requests a refund or credit from the provider in accordance with the provisions of Section 202.23, F.S., and that establishes that a dealer has assigned the purchaser's service address to a different local taxing jurisdiction from the one to which that address was assigned in the effective Address/Jurisdiction Database as of the date of the sale has established a presumption that the dealer's assignment was erroneous, because the effective Address/Jurisdiction Database is conclusive for purposes of the communications services taxes. If a dealer believes that the assignment of the purchaser's address in the Department's database is incorrect, the dealer should refer the claim for a refund or credit to the Department for a determination in accordance with the procedures in Section 202.23, F.S. A dealer who assigned a purchaser's service address in accordance with the effective Address/Jurisdiction Database at the time of the sale on which the purchaser asserts that tax was overpaid should refer the purchaser to the Department in order for the purchaser to object to the Address/Jurisdiction Database as a substantially affected person. The dealer is not required to make a refund or credit to the purchaser unless the Department has subsequently revised the assignment of that address to correct an error, such revision was to the effective Address/Jurisdiction Database that became effective prior to the date of the sale involved in the claim as provided in paragraph (3)(g) of Emergency Rule 12BER05-7, and the purchaser has requested a refund or credit in the manner required by Section 202.23, F.S. The provisions of this rule are subordinate to Section 202.23, F.S. and are intended to provide additional information regarding the effect of incorrect service address assignments by dealers who are employing a method identified in paragraph (2)(a).

(3) Collection Allowance.

(a) Any communications services dealer that employs one or more of the methodologies described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .75 percent on taxes collected on service addresses assigned using the described methodologies. Any communications services dealer that employs any methodology that is not described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .25 percent on taxes collected on service addresses assigned using such other methodology. A communications services dealer who is not liable for an assessment of additional local communications services taxes, interest, and penalties by reason of employing a database that is found upon audit to meet the accuracy criteria for certification, as described in subparagraph (2)(a)4., is entitled to a collection allowance of .25 percent until such time as an application for certification of the database is made and approved.

(b) A communications services dealer must maintain records to demonstrate that a .75 percent collection allowance was claimed only in regard to taxes that were collected for service addresses that were assigned employing one or more of the methodologies that qualify for that allowance. If a communications services dealer's records do not clearly establish that the assignment of the service addresses was made employing one or more of the methodologies described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3., the dealer shall be entitled to only a .25 percent collection allowance on sales made to such service addresses.

(c) A communications services dealer must also timely file its return, remit all tax reported, and meet all the other requirements of Section 202.28, F.S., in order to be entitled to any collection allowance. This rule deals only with determining the amount of collection allowance available to a dealer who otherwise qualifies to receive the allowance. It does not create any separate entitlement to an allowance other than that set forth in Section 202.28, F.S.

This rule shall take effect on October 1, 2005.

Specific Authority 202.26(3)(b),(f),(g), 202.28(1) FS. Law Implemented 202.22(1),(4),(5),(6),(8), 202.23, 202.28(1),(2), 202.34(1)(a), 202.35(3) FS. History—New 10-1-05.

12BER05-7 Department of Revenue Electronic Database.

(1)(a) The Department maintains an electronic database that assigns service addresses to local taxing jurisdictions in a format that satisfies the requirements of Section 202.22(2)(a), F.S. The electronic database, referred to as the communications services tax Address/Jurisdiction Database, is maintained on the Department's website at the address inside the parentheses (www.myflorida.com/dor). An updated Address/Jurisdiction Database is posted to the Department's website 90 days prior to adoption of the Address/Jurisdiction Database. The updated Address/Jurisdiction Database is adopted and becomes

effective every January 1 or July 1. References to the effective Address/Jurisdiction Database refer to the official database that is available on the website and conclusive for purposes of communications services tax, which was adopted the previous January 1 or July 1. The effective Address/Jurisdiction Database does not include the information contained in the auxiliary file described in paragraph (b).

(b) When a change to the Address/Jurisdiction Database has been approved, it is stored in an auxiliary file pending its inclusion in the next scheduled update of the database to become effective the next January 1 or July 1. The auxiliary file is maintained by the Department and contains the most recent service address local taxing jurisdictional assignment information. Dealers may use the auxiliary file to update their service address assignments between the January 1 and July 1 effective date of the Address/Jurisdiction Database even though such use of the auxiliary file is not required to satisfy due diligence requirements.

(c) Local taxing jurisdictions and communications services providers are provided with access codes to permit them to register as users of the database. Registered local taxing jurisdictions and communications services dealers have the capability of downloading databases of addresses assigned to each local taxing jurisdiction. A file of addresses in the format adopted by the Federation of Tax Administrators and the Multistate Tax Commission in accordance with the federal Mobile Telecommunications Sourcing Act is available.

(d) Upon request, the Department will allow other persons, such as third-party vendors of databases or billing services, to download the Address/Jurisdiction Database.

(e) The Department's website also has a single address lookup feature that permits any person to enter an address and ascertain to which local jurisdiction it is assigned. Use of the single address lookup feature does not require an access code or registration. The individual address lookup feature searches the auxiliary file as well as the effective database and may therefore reflect information that has not yet been incorporated into the effective database available for downloading and use by local taxing jurisdictions and communications services dealers. In such cases, the individual address lookup page carries a statement notifying the viewer that it reflects a pending change to the database.

(f) The availability and effective date of the updated Address/Jurisdiction Database are announced in the Florida Administrative Weekly. Updates incorporate corrections of any errors discovered since the last preceding update, as well as changes in addresses or jurisdictional boundaries based on information provided by local taxing jurisdictions. Each update of the Address/Jurisdiction Database is posted on the Department's website at least 90 days prior to adoption and is also available to dealers of communications services, vendors of databases, and other persons authorized to download the database in magnetic or electronic media for a fee not to

exceed the cost of furnishing the updated version in such media. Requests for electronic or magnetic media copies should be addressed to: Florida Department of Revenue, Communications Services Tax, Local Government Unit, Post Office Box 5885, Tallahassee, Florida 32314-5885.

(g) To fulfill its statutory responsibility to maintain the database, when the Department notices apparent errors, such as an address that is assigned to multiple jurisdictions, the Department will initiate an objection to the database in accordance with the provisions of subsection (3) and will process the objection in the same manner in which other objections are processed.

(2)(a) Local taxing jurisdictions have a continuing obligation to provide the Department with information to update the Address/Jurisdiction Database, such as changes in service addresses or address ranges, annexations, incorporations, reorganizations, and any other changes to jurisdictional boundaries. Local taxing jurisdictions must inform the Department of the identity of the jurisdictions' officers or employees who are authorized to act as contact persons with the Department on database matters. Local taxing jurisdictions are limited to two (2) authorized contact persons; however, local taxing jurisdictions may provide updated contact person information as frequently as necessary to ensure that the appropriate contact person can be reached by the Department to administer database matters. The contact list of authorized local government contact persons for all local taxing jurisdictions is located on the Department's website and is available to those persons who have an access code.

(b) Local taxing jurisdictions must submit information requesting changes to the Address/Jurisdiction Database electronically following the on-line Guide for Address Change Requests (R. 08/26/05, hereby incorporated by reference). Only local taxing jurisdictions that are registered users of the Department's electronic change submission process can access the Guide for Address Change Requests. Authorized local jurisdiction contact persons may access the login screen for registered users at <http://geotax.state.fl.us/dorPubIdx.jsp>. Local taxing jurisdictions that do not have access to computers with Internet access should contact the Department to request authorization to submit changes through alternative electronic media. The information must also be submitted on Form DR-700022, Local Communications Services Tax Notification of Jurisdiction Change (R. 03/03, hereby incorporated by reference).

(c) In the event that a local taxing jurisdiction improperly formats its batch submission, the Department will notify the requesting jurisdiction of its error and designate the file as a pending submission until such time as a corrected submission is received. If the corrected submission is not received in time to be included in the next update, the pending submission will be denied and the local taxing jurisdiction should provide a new submission for those addresses or address ranges. Local

taxing jurisdictions should not submit jurisdiction changes between the last date of submission for the next update and the posting of that update of the Address/Jurisdiction Database on the Department's website. Submissions initiated during this time frame will be denied, and a new submission will be necessary.

(d) The local taxing jurisdiction must specify the effective date of any information to be incorporated in the Address/Jurisdiction Database. The effective date must be the next January 1 or July 1 after the date of submission of the information to the Department. Changes must be submitted no later than the date that is 120 days prior to the January 1 or July 1 on which changes are to be effective.

(e)1. Any requested changes or additions to the Address/Jurisdiction Database must be supported by competent evidence. Competent evidence to support a change to the Address/Jurisdiction Database is documentation establishing that the service addresses affected by the requested change or addition are located in the local taxing jurisdiction indicated on the request. Examples of competent evidence include annexation ordinances, articles of incorporation of a new municipality, the plat filed for a newly approved subdivision, or the enhanced 911 Master Street Address Guide (MSAG) database information relating to local law enforcement responders issued by the local jurisdiction coordinator's office. Competent evidence must clearly designate the service addresses or address ranges that are affected.

2. If a requested change is to move an address from one local taxing jurisdiction to another, competent evidence includes the consent of the local taxing jurisdiction that did not request the change. To facilitate processing of the change, the local taxing jurisdiction requesting the change should attempt to obtain written consent to the change from an authorized contact person of the non-requesting jurisdiction. Form DR-700022 contains an authorization statement that will serve as the written consent of the non-requesting local taxing jurisdiction when signed by that jurisdiction's authorized contact person. The Department will consider the receipt of a Form DR-700022 containing the signatures of the authorized contact persons of both the initiating and affected jurisdictions to be sufficient competent evidence. In such instances, the Department will make the change based upon the representations on the form. A local taxing jurisdiction that objects to the change should use Form DR-700022 to change the address information and, unless the affected local taxing jurisdiction signs the form, the Department will treat the request as one that must be resolved by the local taxing jurisdictions involved as provided in this paragraph. Identification of the case number associated with the address changes is insufficient by itself to demonstrate competent evidence establishing that the service addresses are located in the local taxing jurisdiction indicated on the request.

3. If the requesting jurisdiction has not obtained the written consent of the non-requesting jurisdiction, the Department will contact the non-requesting jurisdiction before making the change. Based upon the response of the non-requesting jurisdiction, the Department will take the following action in regard to the requested change:

a. If the non-requesting jurisdiction consents in writing, the Department will accept and process the change.

b. If the non-requesting jurisdiction objects in writing, the Department will treat the requested change as one that must be resolved by the local taxing jurisdictions involved as provided in subsection (3).

c. If the non-requesting jurisdiction fails to either consent or object in writing within 20 days after the date on which the Department notified that jurisdiction of the requested change, the Department will accept and process the change. This will not preclude the non-requesting jurisdiction from subsequently submitting requests to change the new address assignments after they have been processed.

4. If a requested change affects only the requesting local taxing jurisdiction and does not affect another local taxing jurisdiction, the Department will consider receipt of an affidavit signed by the authorized contact person for that local taxing jurisdiction that identifies the addresses or address ranges and states that the change affects only the requesting local taxing jurisdiction to be sufficient competent evidence. The use of an affidavit is not required but, at the option of the requesting local taxing jurisdiction, may be used in lieu of providing other documentation such as subdivision plats. In such instances, the Department will make the change based upon the representations on the form and the affidavit. A local taxing jurisdiction that objects to the change should use Form DR-700022 to change the address information and, unless the affected local taxing jurisdiction signs the form, the Department will treat the request as one that must be resolved by the local taxing jurisdictions involved as provided in subsection (3).

(f) Examples.

1. A local taxing jurisdiction approves the plat and grants the permits necessary for development of a new subdivision on February 1, 2005. The plat indicates street names but no address numbers have yet been assigned. In order for the addresses to be added to the electronic database effective the following July 1, the local taxing jurisdiction must file Form DR-700022 with a copy of the approved subdivision plat or an affidavit indicating that the change affects only the requesting local taxing jurisdiction and submit on-line address change information by March 3, 2005. If that deadline is not met, the earliest date on which the new service addresses can be added to the database is January 1, 2006. In order to meet the deadline and be certain that the actual address numbers are included, the contact person for the local taxing jurisdiction may request the addition of a range of numbers that is certain to include the

actual numbers. Because the development of the subdivision affects only the requesting jurisdiction, no consent from any other jurisdiction is required.

2. A municipality annexes an area with 1500 service addresses that was formerly in an unincorporated area of the county. The annexation is effective July 1, 2004. The municipality's database contact person timely enters address change requests for 1525 addresses on-line and files a Form DR-700022 on March 2, 2004. Included with the form are a copy of the annexation ordinance and a map with the annexed area outlined with street address ranges included in the annexed area noted. The county database contact person has not signed the Form DR-700022 or otherwise given written consent to the changes. On March 5, 2004, the Department notifies the county of the requested changes and provides copies of the municipality's Form DR-700022, annexation ordinance, and map. The county does not respond with written consent or a written objection. On March 26, 2004, the Department processes the changes, and they are included in an update posted on April 2, 2004, to take effect July 1, 2004. The county's database contact person notifies the Department on July 15, 2004, that the county believes the database now incorrectly assigns 25 service addresses to the municipality. The county should submit Form DR-700022 to move the addresses from the municipality to the county. The Department will handle this as a change to the database.

3. A municipality annexes an area with 1500 service addresses that was formerly in an unincorporated area of the county. The annexation is effective July 1, 2004. The municipality's contact person timely enters address change requests for the 1500 addresses on-line and writes a letter to the county's contact person requesting that consent be indicated by signing a Form DR-700022 that has been prepared by the municipality and enclosed with the letter. Also enclosed with the letter is a copy of the annexation ordinance and a street map on which the annexed area is outlined. The county contact person signs the Form DR-700022. The municipality submits the form to the Department on February 15, 2004. The Department will approve the changes and include them in the July 1, 2004 update to the Address/Jurisdiction Database.

(3)(a) Any substantially affected party may object to information contained in the Address/Jurisdiction Database by submitting Form DR-700025, Objection to Communications Services Tax Electronic Database Service Address Assignment (R. 10/05, hereby incorporated by reference), along with competent evidence to support the party's objection. Only objections to the effective Address/Jurisdiction Database can be considered; those objections that are not objections to the effective Address/Jurisdiction Database will be denied. Before submitting an objection, a person should check the effective Address/Jurisdiction Database and the auxiliary file to determine whether the contemplated objection is necessary. Examples of substantially affected parties include purchasers

of communications services who pay local communications services taxes, dealers who are required to collect local communications services taxes, the Department of Revenue, and local taxing jurisdictions. However, local taxing jurisdictions should use Form DR-700022 to create addresses in the Address/Jurisdiction Database or to request address assignment changes. Regardless of which form is used to request changes to the Address/Jurisdiction Database, the consent of an affected jurisdiction will be required.

(b) Multiple address submissions affecting multiple jurisdictions should be segregated, based on the specific combinations of the affected jurisdictions, in a manner that segregates the changes from City A to City B from the changes from City B to City A.

(c) In the event that a dealer that is required to collect local communications services tax elects to formally object to information contained in the Address/Jurisdiction Database, the dealer must file Form DR-700025. If the dealer's objection is to the assignment of multiple addresses or address ranges, the dealer should electronically submit the addresses in the format used to apply for certification of databases by following the on-line Instructions for Preparing and Submitting Customer Address Files for Certification Testing, as provided in paragraph (2)(a) of Emergency Rule 12BER05-8. In the event that the dealer is unable to submit its objection on-line, the dealer should contact the Department to request authorization to submit changes through alternative electronic media. This rule is not intended to interfere with any procedures implemented by dealers to inform local taxing jurisdictions of errors in the Address/Jurisdiction Database.

(d) Examples of competent evidence that support an inquiry into a substantially affected party's objection include a voter registration card indicating the voter residing at a service address is entitled to vote in municipal elections or only in county elections, the enhanced 911 MSAG database, or a map that includes the boundaries of a local taxing jurisdiction and clearly places a service address inside or outside those boundaries. For example, if a map shows that a street is entirely within the boundaries of a municipality, that map is competent evidence that a service address on that street should be assigned to that municipality in the database. The Department will notify the substantially affected party of any deficiencies in the objection or competent evidence.

(e) When the Department believes that addresses or address ranges have been assigned to an incorrect local taxing jurisdiction, the Department will initiate the change by using Form DR-700025. The Department will use any information at its disposal, including enhanced 911 MSAG database address information and information supplied by any dealer, as a basis for initiating an objection; however, in no event, will the Department change any address assignment without providing notice to the affected jurisdictions in the manner provided in

paragraph (3)(f). If the change is approved, it would be included in the auxiliary file with other approved changes for inclusion in the next update of the database.

(f) Upon receipt of an objection on a completed Form DR-700025, including competent evidence to support the objection, the Department will forward copies of the form, along with the associated documentation, to the database contact person in each affected taxing jurisdiction. The Department will provide to the affected local taxing jurisdictions Form DR-700026, Local Government Authorization for Address Changes Described on Form DR-700025 (R. 10/05, hereby incorporated by reference), to use to agree, disagree, or partially agree with the address jurisdiction changes proposed by the attached completed Form DR-700025. The Department will provide to the affected local taxing jurisdiction Form DR-700027, Local Government Authorization for Omission of Address or Range or Incorrect Address Identification (R. 10/05, hereby incorporated by reference), to use to agree or disagree with the inclusion of a service address or address range or with changing non-jurisdictional information about a service address or address range proposed by the attached completed Form DR-700025. In case the forms become separated, the Department will include on the bottom portion of each form the same tracking number and date to identify which forms belong together. The Department will, when practicable, provide the information electronically for review by the local taxing jurisdictions. These forms will not be sent to the local taxing jurisdictions between February 1 and April 2 nor between August 4 and October 3 due to the inability of local taxing jurisdictions to make on-line changes during the updating and posting of the next effective Address/Jurisdiction Database. The local taxing jurisdictions should review the specific address(es) at issue as well as the address range(s) that will be impacted by the change to ensure that each local taxing jurisdiction retains all of the addresses that it believes are within its jurisdictional boundaries. The Department will instruct each local taxing jurisdiction to indicate in writing its determination in regard to the objection by utilizing the provided authorization form, which will be either Form DR-700026 or Form DR-700027. If the affected local taxing jurisdictions both indicate agreement with the objection, the Department will revise the electronic database accordingly. If a local taxing jurisdiction fails to respond within a reasonable time, which shall be no less than 30 days, such jurisdiction shall be deemed to have indicated agreement with the objection. If either local taxing jurisdiction notifies the Department in writing that it does not agree with the objection, the Department will immediately assign the address with a special designation that indicates that the jurisdictional assignment of the address is in dispute. The service address will be reassigned to a local taxing jurisdiction when one of the following events occurs:

1. The Department receives written notification from the local taxing jurisdiction that did not agree with the change requested in the objection that such local taxing jurisdiction has subsequently determined that the change should be made;

2. The Department receives written notification from the party that filed the Form DR-700025 that the objection was erroneous and the assignment in the database was correct; or

3. The Department is provided with a copy of a final order, judgment, or other binding written determination resolving the jurisdictional assignment of the contested address.

(g) No communications services provider who relies on the assignment of a service address in the effective Address/Jurisdiction Database will be held liable for any additional local communications services tax, interest, or penalty in regard to that service address if the assignment is later determined to be erroneous under this subsection. All requests by a purchaser for a refund or credit must comply with the requirements of Section 202.23, F.S. When a substantially affected person files an objection to the Address/Jurisdiction Database no later than August 31 for an assignment that became effective on July 1 or no later than February 28 (February 29 in a leap year) for an assignment that became effective on January 1 that is approved, the substantially affected person's local taxing jurisdiction will be changed in the effective Address/Jurisdiction Database. Such a person would be entitled to a refund or credit of any local communications services taxes overcollected during the period of time that the incorrect assignment occurred in accordance with the documentation provided by the Department demonstrating approval of the objection and the date from which the change to the Address/Jurisdiction Database is effective, as long as the claim for refund or credit complies with the provisions of Section 202.23, F.S.

(4) All forms referenced in this emergency rule may be obtained, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor/; or 2) faxing a forms request to the Distribution Center at (850)922-2208; or 3) calling the Distribution Center at (850)488-8422; or 4) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

This rule shall take effect on October 1, 2005.

Specific Authority 202.26(3)(b),(g) FS. Law Implemented 202.22(2), 202.23 FS. History—New 10-1-05.

12BER05-8 Certification of Service Address Databases.

(1) A communications services dealer that develops and maintains its own database for assigning service addresses to local taxing jurisdictions or a third-party vendor that provides a database for sale to communications services dealers or uses

such a database in providing billing or other services to communications services dealers may apply to the Department for certification of the database. A database will be certified if it assigns street addresses, address ranges, post office boxes, and post office box ranges to the proper local taxing jurisdictions with an overall accuracy rate of 95 percent with a 95 percent level of confidence, based on a statistically reliable sample. Accuracy must be measured based on the entire geographic area within the state of Florida covered by the database for which certification is sought.

(2)(a) Application for certification must be made to the Department on Form DR-700012, Application for Certification of Communications Services Database (incorporated by reference in Rule 12A-19.100, F.A.C.), and in accordance with the instructions on the form. All applicable portions of the application must be completed. Communications services dealers and vendors that sell databases of addresses to dealers must submit the address databases for which certification is sought with their applications.

(b) The Department will notify the applicant of any errors or omissions in the application and of all additional information or documentation required within 90 days of receipt of the application. The Department will review the application and contact the individual designated in the application concerning any additional information required and the format in which such information must be submitted. The applicant shall provide access to all records, facilities, and processes reasonably required to review, inspect, or test the database within 10 working days of the Department's request for such access.

(c)1. The Department will test the applicant's database by comparing the assignments of service addresses to the assignments of service addresses in the Address/Jurisdiction Database, which is the Department's on-line database described in Emergency Rule 12BER05-7. The Department will notify the applicant of all service addresses that do not match the Address/Jurisdiction Database, regardless of whether the applicant's database meets the accuracy criterion for certification.

2. In the event that an applicant vendor has a software program that assigns addresses to jurisdictions rather than a database of addresses, the vendor should include a copy of the "user manual" or equivalent directions that will be provided to purchasers of the software with its application for certification. Procedures for testing the software and its assignment of addresses or address ranges to local taxing jurisdictions will be determined on a case-by-case basis. The procedures must be sufficient to ensure that the software meets an overall accuracy rate of 95 percent with a 95 percent level of confidence.

(d) Within 180 days of receipt of a completed application, the Department will issue a written determination.

1. If the notice grants certification, it will specify the expiration date, which will be three years from the date of the notice.

2. If the notice denies certification, it must specify the grounds, inform the applicant of any available remedy, and set forth procedures for protesting the denial. If the applicant cures the defects that formed the basis for denial and upon retesting the database meets the requirements for certification, the Department will issue a notice certifying the database. Under such circumstances, the Department will issue a notice certifying the database, even in cases where the applicant has filed a petition and a proceeding is pending under Chapter 120, F.S. If the defects forming the basis of the denial are based on a sample, correction of the errors identified in the sample does not constitute correction of the database.

(3) An application for recertification of a database must be submitted on Form DR-700012 when the certification period expires. If an application for recertification is received prior to the stated expiration date of the certification period, the prior certification will not expire until the Department takes final action on the application for recertification. In such cases, if the Department denies recertification, the prior certification will remain in effect until the time for administrative or judicial review of the Department's denial of recertification has expired or, if later, the date fixed by order of the reviewing court.

(4) Certification or recertification of a database is effective upon the date of the Department's notice approving the application. The notice approving the application is in the form of a letter stating that the database is certified and that an application for renewal should be applied for by a specified date. Unless a timely application for recertification has been filed as provided under subsection (3), a certification or recertification is effective through the date stated on the notice.

(5) In determining whether a database qualifies for certification, the Department will consider whether the applicant will implement procedures designed to maintain the accuracy level required for certification throughout the certification period. If the Department obtains information indicating that a certified database is not being properly maintained and updated to ensure on-going accuracy at the required levels, the Department will notify the applicant and review the operation and maintenance of that database. If the Department determines that a database no longer qualifies for certification and remedial steps are not promptly taken, the Department will revoke the certification. The Department will first provide notice to the applicant of its intent to revoke the certification, as provided in Section 120.60, F.S., and afford the applicant a point of entry under Chapter 120, F.S., to contest the notice of intent.

(6) Certification is contingent upon there being no material changes to the database or procedures for its updating and maintenance. If there are such changes, the applicant should inform the Department and request a determination regarding

whether a new Form DR-700012 should be submitted. If practicable, the Department will test the effect of the changes rather than require a new certification procedure for the entire database. A material change is any change that could reasonably be expected to affect whether the database would still meet the 95 percent accuracy level required for certification. Examples of changes that could be material would be a substantial expansion of the service area covered by a database, the merger of the certified database with a non-certified database, a change in the sources from which information for the database is obtained, or alteration of the methods by which service addresses are assigned, updated, or corrected. Changes to the assignment of service addresses or address ranges that are made in the course of consistently followed procedures to obtain and incorporate accurate updates and to correct errors in assignments of service addresses as required to satisfy the due diligence standards set forth in paragraph (2)(c) of Emergency Rule 12BER05-6, are not material changes that require Department review of a database. This rule shall take effect on October 1, 2005.

Specific Authority 202.26(3)(g) FS. Law Implemented 202.22(3) FS. History—New 10-1-05.

12BER05-9 Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions.

(1) An enhanced zip code method is a method of assigning service addresses to local taxing jurisdictions based on United States postal zip codes of at least nine digits.

(2) A communications services dealer may avoid liability as provided in Emergency Rule 12BER05-6, for any additional local communications services tax, penalty, and interest resulting from errors in assigning service addresses to an incorrect local taxing jurisdiction when the correct local taxing jurisdiction has a higher local tax rate by employing an enhanced zip code method only if the requirements of this rule are satisfied.

(3)(a) When the area covered by the enhanced zip code is not entirely located within the same local taxing jurisdiction as the post office, dealers or vendors providing databases are not permitted to presume that all service addresses within the enhanced zip code are situated to the same local taxing jurisdiction. In some cases, the area included in an enhanced zip code overlaps local jurisdictional boundaries or is outside the local taxing jurisdiction where the post office to which a zip code is assigned is located. In addition, a dealer may provide services to customer service addresses for which an enhanced zip code is not available, because the service address is in a rural area or is without postal delivery. The dealer or the vendor must use a reasonable methodology that accurately assigns service addresses to the correct local taxing jurisdictions in such circumstances. The dealer or vendor will be considered to have used a reasonable methodology if it relies on information obtained from one or more of the following sources:

1. The Address/Jurisdiction Database, described in Emergency Rule 12BER05-7;

2. A database that has been certified by the Department as provided in Emergency Rule 12BER05-8;

3. Representatives of relevant local taxing jurisdictions whose responsibilities entail knowledge of the location of addresses as within or without their jurisdictions;

4. The United States Census Bureau; or

5. The United States Postal Service.

(b) The dealer must maintain records that establish the methodology used to assign service addresses as provided in this subsection.

(4) The dealer employing an enhanced zip code method to assign service addresses to local jurisdictions must satisfy the notification and due diligence requirements set forth in paragraphs (2)(b) and (c) of Emergency Rule 12BER05-6. For purposes of due diligence requirements, a communications services dealer or an enhanced zip code database vendor is deemed to have expended reasonable resources to accurately and reliably implement an enhanced zip code method if the requirements of subsection (3) have been met. The due diligence requirement includes the requirement to correct errors in the assignments of service addresses within 120 days of discovering or being notified by any person of such errors. The database vendor or dealer must also maintain adequate internal controls to assure the on-going accuracy of an enhanced zip code database as described in subparagraph (2)(c)1. of Emergency Rule 12BER05-6.

(5) Mobile communications services providers using an enhanced zip code method are subject to the safe harbor provisions of Title 4 United States Code (U.S.C.) s. 120, including the termination of the safe harbor provided by that section. Such providers will be held harmless from liability for additional local communications services tax, penalty, and interest resulting from erroneous assignments of customer service addresses to local taxing jurisdictions as provided in the federal Mobile Telecommunications Sourcing Act. On May 23, 2003, the Department provided notice, as required by Title 4 U.S.C. s. 119(b), that the Department of Revenue's Address/Jurisdiction Database complies with the formatting requirements of Title 4 U.S.C. s. 19(a)(2) of the Mobile Telecommunications Sourcing Act.

(6) In order to be entitled to the .75 percent collection allowance, a communications services dealer that employs an enhanced zip code method to assign service addresses must satisfy the requirements of subsection (3) of this rule and the requirements of subsection (3) of Emergency Rule 12BER05-6.

This rule shall take effect on October 1, 2005.

Specific Authority 202.26(3)(b),(f),(g), 202.28(1) FS. Law Implemented 202.22(1),(4),(6),(7), 202.28(1)(b)2. FS. History—New 10-1-05.

THESE RULES TAKE EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THESE RULES.
EFFECTIVE DATE: October 1, 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 CITRUS

RULE TITLE: Sampling Equipment
RULE NO.: 20ER05-2 (20-61.003)
SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 120.54(4)(b), F.S., states that those rules pertaining to perishable agricultural commodities shall be included in the definition of rules relating to the public health, safety, or welfare.

Rule 20-61.003, F.A.C., requires that each processing facility install a flip-gate style mechanical sample selector system by November 1, 2005. Nine facilities will be unable to meet this deadline due to hurricane damage of 2004 and/or the limited construction services available as a result of the storms. The Department received a request from the Florida Citrus Processors Association to extend the deadline for one year, to November 1, 2006, for installing the flip-gate style mechanical sample selector system in all processing plants.

After taking testimony and discussing the matter at a public meeting and hearing in Sebring, Florida on September 21, 2005, the Florida Citrus Commission found that to insure compliance with Rule 20-61.003, F.A.C., the rule amendment needs to be in effect by November 1, 2005. They voted to adopt Emergency Rule 20ER05-2, extending the deadline 90 days to December 21, 2005 for installing the Flip-Gate style mechanical sample selector system in all processing plants. This will allow time for the rule to be amended through APA procedure extending the deadline to November 1, 2006.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Adequate notice procedures were used by the Department of Citrus to inform the public and the Florida citrus industry of the pending adoption of Emergency Rule 20ER05-2 in that notice was made by mail on September 14, 2005, of the meeting on September 21, 2005, to all members of the Florida Citrus Commission, all industry organizations, and the Florida Press Corps.

SUMMARY: Emergency Rule 20ER05-2 extends the deadline to December 21, 2005 for installing the Flip-Gate style mechanical sample selector system in all processing plants.
THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ken Keck, General Counsel, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE EMERGENCY RULE IS:

20ER05-2 (20-61.003) Sampling Equipment.

(1) Each processing plant shall install mechanical sample selectors, as per drawings and specifications on file at the Department of Citrus office, at unloading ramps immediately after grading. Effective December 21, 2005 ~~November 1, 2005~~, statewide standardized sampling equipment will be required. By that date each processing plant shall have installed a Flip-Gate style mechanical sample selector system, as per specifications on file at the Department of Citrus headquarters and incorporated herein by reference. Such specifications shall be adhered to upon the installation of new Flip-Gate sampler systems and during the operation and maintenance of existing Flip-Gate sampler systems. No alterations or modifications shall be made on the sample system without the prior knowledge and consent of the Division of Fruit and Vegetables, and such system, under the supervision of the Technical Bureau of that Division, shall be maintained by the plant to deliver, directly into the state test lab, a representative sample from each load of fruit received at the approximate rate of one fruit for each ten boxes. All troughs, chutes, conveyors, and belts used for mechanically collecting and transporting samples shall be so enclosed as to make the sample inaccessible prior to point of delivery into the state test lab.

(2) No change.

Specific Authority 601.10(7), 601.24 FS. Law Implemented 601.10(7), 601.24, 601.27 FS. History—Formerly 105-1.18(1), Revised 1-1-75, Formerly 20-61.03, Amended 10-15-95 , 12-21-00, 9-23-05.

THIS RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.
EFFECTIVE DATE: September 23, 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

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 by the Florida Public Service Commission that the petition of Tampa Electric Company for variance or waiver of subsection 25-6.0455(3), F.A.C., filed December 7, 2004, in Docket No. 041375-EI, was granted by the Commission at its February 1, 2005, Agenda Conference. Order No. PSC-05-0209-PAA-EI, issued February 22, 2005, as amended by Order No. PSC-05-0209A-PAA-EI, issued March 17, 2005, memorialized the decision. The pertinent portion of the rule provides that a utility's request to exclude outages from its Annual Distribution Service Reliability Report must be filed within 30 days of the date on which the associated outage event occurred. The petition was granted on the basis that the purpose of the statutes underlying the rule would be achieved under the requested rule waiver and that application of the rule would create a substantial hardship to the petitioner. Notice of the petition was published in the FAW on January 7, 2005.

A copy of the Order can be obtained from either: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770, Commission's Homepage: <http://www.floridapsc.com>.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on September 9, 2005, South Florida Water Management District (District) received a petition for waiver from Collier County Board of County Commissioners, Application No. 03-0520-2, for utilization of Works or Lands of the District known as the I-75 Canal, Collier County for the proposed extension of the existing box culvert south of weir I-75 #3 in order to accommodate the roadway widening and improvements to Vanderbilt Beach Road; Section 31, 32, Township 48 South, Range 26 East, Collier County. The petition seeks relief from paragraph 40E-6.221(2)(j), F.A.C., which governs the minimum vertical clearance criteria for placement of box culverts within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320, e-mail: kruff@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN that on September 19, 2005 South Florida Water Management District (District) received a petition for waiver from Miami-Dade Park and Recreation Department, Application No. 05-0919-3, for utilization of Works or Lands of the District known as the C-1 Canal, Miami-Dade County for proposed trail amenities, which include a restroom, site furniture and trees within the east right of way of C-1, Sections 22 & 27, Township 56 South, Range 40 East. The petition seeks relief from subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), F.A.C., which govern the placement of permanent and/or semi-permanent above-ground facilities and structures within 40 feet of top of canal bank within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320, e-mail: kruff@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida Real Estate Appraisal Board hereby gives notice that it has received a petition, filed on September 2, 2005, by Mahartney Franklin Strickland, Jr., seeking a waiver or variance from Rule 61J1-6.001, F.A.C. Strickland is requesting that the Board waive or vary from the experience requirements of Rule 61J1-6.001, F.A.C.

Comments on this petition should be filed with the Florida Real Estate Appraisal Board, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 323801, within 14 days of publication of this notice.

For a copy of the petition, contact: Michael E. Murphy, Acting Director, Florida Real Estate Appraisal Board, at the above address or (850)245-4161.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that the Department of Children and Family Services has received a Petition for Waiver of subsection 65C-15.017(3), F.A.C. The Petition was received by the Agency Clerk on September 23, 2005, by Family Preservation Services of Florida, assigned Case Nos. 05-004W. Subsection 65C-15.017(3), F.A.C., requires that staff performing casework services shall have a bachelor’s degree in social work or related area of study from an accredited college or university.

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

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Division of Bond Finance
- Financial Services Commission:
 - Office of Insurance Regulation
 - Office of Financial Regulation
- Financial Management Information Board
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: October 25, 2005, 9:00 a.m.
 PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director’s reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the Office of Insurance Regulation concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the Office of Financial Regulation relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans’ Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department’s mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, conservation and preservation lands and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters pertaining to the Office of Greenways and Trails for lands acquired through the Greenways and Trails land acquisition program and lands managed by the Office of Greenways and Trails. The Department of Environmental Protection, as staff to the Board of Trustees of the Internal Improvement Trust Fund in addition to the above, will also present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/index.html> or by contacting each individual agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Department of State** announces a public meeting of the Florida State Historical Records Advisory Board to which all interested persons are invited.

DATES AND TIMES: October 27, 2005, 2:00 p.m. – 5:00 p.m.; October 28, 2005, 9:00 a.m. – 12:00 p.m.

PLACE: Florida Records Storage Facility Training Room, Room 10, 4319 Shelfer Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Historical Records Advisory Board will meet to review grant applications and discuss their long-range strategic plan revision.

For further information contact: Mr. Jim Berberich, Coordinator, Florida State Historical Records Advisory Board, Department of State, State Library and Archives of Florida, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6750, Suncom 205-6750.

Pursuant to Section 286.26, F.S., any persons requiring special accommodations due to a disability or physical impairment should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold telephone calls to which all persons are invited.

Legislative Committee

DATE AND TIME: October 11, 2005, 10:00 a.m.

Awards and Rec. Task Force Committee

DATE AND TIME: October 11, 2005, 11:00 a.m.

Bylaws Committee

DATE AND TIME: October 11, 2005, 3:00 p.m.

Annual Report Committee

DATE AND TIME: October 12, 2005, 10:00 a.m.

Finance and Budget Committee

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

PLACE: 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, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Viticulture Advisory Council to which all interested persons are invited to participate.

DATE AND TIME: Tuesday, October 25, 2005, 9:00 a.m.

PLACE: Collins Building, Conference Room, 2051 East Dirac Drive, Innovation Park, Tallahassee, Florida 32310-3760, (850)488-0163

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

For additional information or if you need special accommodations, call: Tom Thomas, (850)922-9827.

The **Department of Agriculture and Consumer Services** announces a conference call meeting of the Florida Aquaculture Review Council. Guests and other parties interested in participating should meet at the Division of Aquaculture at the appointed time.

DATE AND TIME: October 26, 2005, 9:00 a.m.

PLACE: Division of Aquaculture Conference Room, 1203 Governor's Square Blvd., Fifth Floor, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda can be obtained by contacting: Karen Metcalf, 1203 Governor's Square Boulevard, Tallahassee, FL 32301, (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Karen Metcalf as soon as possible.

DEPARTMENT OF EDUCATION

The Florida State **Board of Education** and Florida **Board of Governors** announce a public meeting of the Access Task Force, to which all persons are invited.

DATE AND TIME: October 17, 2005, 10:00 a.m. – 4:00 p.m.

PLACE: Florida Atlantic University at Davie, 2912 College Avenue, Room LA-124, Liberal Arts Building, Davie, Florida 33314

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Access Task Force.

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in this meeting are requested to contact: Office of Strategic Initiatives, 325 West Gaines Street, Suite 1502, Tallahassee, Florida 32399-0400, (850)245-9840.

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

DATE AND TIME: October 18, 2005, 8:30 a.m.

PLACE: Broward Community College, 3501 Southwest Davie Road, Davie, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of Minutes of meeting held September 20, 2005 and updates on various reports and status on education initiatives by the Chairman and Commissioner. Other items to be considered include: Charter School Appeal: Imhotep-NGUZO SABA Charter School vs. School Board of Palm Beach County, Charter School Appeal: Mandela-NGUZO SABA Charter School vs. School Board of Palm Beach County, Approval of Extension of Palm Beach County School Board District Charter Contract, Approval of District Action Plans for F Schools and F School Improvement Plans, Approval of Strategic Plan for Community Colleges, Approval of Amendment to Rule 6A-10.024, Articulation Between State Universities, Community Colleges, and School Districts, Approval of Amendment to Rule 6A-10.030, Other Assessment Procedures for College-Level Communication and Computation Skills, Approval of Amendment to Rule 6A-1.09412, Course Requirements – Grades 6-12 Basic and Adult Secondary Programs, Approval of Amendment to Rule 6A-1.09441, Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation, Approval of Amendment to Rules: 6A-10.019, Required Annual Calendar for Schools and Colleges, 6A-10.02412, Foreign Language Competence and Equivalence, 6A-10.0242, Procedures for Determining the Level At Which Courses Shall be Classified, 6A-10.033, Postsecondary Credit Definitions, 6A-10.0331, Delegation of Courses from Catalogs and Common Course Numbering System, 6A-10.038, Postsecondary Feedback of Student Information to High Schools, 6A-10.0381, Registration of Adult Education Students, 6A-10.041, Substitution for Requirements for Eligible Disabled Students at State Universities, Community Colleges, and Postsecondary Vocational Institutions, 6A-10.043, Nonpublic College Participation in the Common Course Numbering and Designation System, and Approval of Repeal of Rules 6A-10.02422, Procedures for Determining the Level at Which Vocational Education Programs Shall be Offered, 6A-10.039, Planning and Coordination of Postsecondary Education Programs, and other business as necessary.

A copy of the agenda may be obtained from the Commissioner of Education's website at <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The Direct Support Organization of the Florida **Division of Blind Services** announces the following meeting to which all interested persons are invited to participate.

DATE AND TIME: October 19, 2005, 1:00 p.m. – 4:00 p.m.

PLACE: Spring Hill Suites Hotel, 4835 West Cypress Street, Tampa, Florida 33607, (813)639-9600

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board Meeting.

A copy of the agenda may be obtained by contacting: Gil Robinson, 4700 Millenia Blvd., Suite 175, Orlando, Florida 32839, (407)210-6607.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact the individual listed above no later than three working days prior to the meeting.

If a person decides to appeal any decision made by the Board of Directors with respect to any matter considered at such meeting, the person will need a record of the proceedings.

The **Florida Rehabilitation Council for the Blind** announces the following Public Forum to which all interested individuals are invited to attend.

DATE AND TIME: Thursday, October 20, 2005, 4:00 p.m. – 6:00 p.m.

PLACE: Hilton St. Petersburg Bayfront, 333 1st Street, South, St. Petersburg, FL 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: For consumer input on the effectiveness of services provided by the Florida Division of Blind Services in assisting individuals with visual impairments achieving employment and independence under title I of the Rehab Act.

CONTACT: Phyllis Dill, The Division of Blind Services, 7201 North 9th Avenue, Suite A-11, Pensacola, FL 32504, (850)484-5030 or through the Florida Telephone Relay System 711.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

The **Florida Rehabilitation Council for the Blind** and the **Division of Blind Services** announces the following meeting to which all interested persons are invited to participate.

DATES AND TIMES: October 21, 2005, 8:30 a.m. – 5:00 p.m.; October 22, 2005, 8:30 a.m. – 12:00 Noon

PLACE: Hilton St. Petersburg Bayfront, 333 1st Street, South, St. Petersburg, FL 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the council.

A copy of the agenda may be obtained one week in advance, by contacting: Phyllis Dill, The Division of Blind Services, 7201 N. 9th Avenue, Ste A-11, Pensacola, FL 32504, (850)484-5030, Florida Telephone Relay System, 711.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

DEPARTMENT OF LAW ENFORCEMENT

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

DATE AND TIME: Tuesday, October 18, 2005, 10:00 a.m.

PLACE: 201 S.E. 6th St., Ft. Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Criminal and Juvenile Justice Information Systems Council will conduct the second of three regional meetings in accordance with the Jessica Lunsford Act. The meeting will provide the opportunity to take public testimony regarding the collection and dissemination of offender information, including criminal history and any other pertinent matters to probation officials, the court, the prosecuting attorney, and defense counsel at first appearance hearings as well as all court appearances subsequent to first appearance.

Individuals with a disability as defined by the Americans with Disabilities Act (ADA) may call Government Analyst, Christopher Ferris, (850)410-7116, about accommodations that would enable attendance.

If you have any question or would like to submit written testimony, please contact: Christopher Ferris, Florida Department of Law Enforcement, Division of Criminal Justice Information Systems, Administrative Services, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-7116, Suncom 210-7116.

The **Criminal Justice Professionalism Program** announces the following meeting dates, times and location for the November 2005 Criminal Justice Standards and Training Commission meeting and related meetings to which all interested persons are invited to participate.

Training Center Directors' Committee Meetings

DATE AND TIME: Tuesday, November 15, 2005, 4:00 p.m.

Probable Cause Determination Hearings

DATE AND TIME: Wednesday, November 16, 2005, 8:30 a.m.

Training Center Directors' Business Meeting

DATE AND TIME: Wednesday, November 16, 2005, 8:30 a.m.

Commission Workshop

DATE AND TIME: Wednesday, November 16, 2005, 1:30 p.m. (Topics for discussion to be determined)

Regional Criminal Justice Selection Center Directors' Association

DATE AND TIME: Wednesday, November 16, 2005, 3:00 p.m.

CJS&T Commission meeting business agenda

DATE AND TIME: Thursday, November 17, 2005, 8:30 a.m.

Officer Discipline Informal Hearings

DATE AND TIME: Thursday, November 17, 2005, 10:30 a.m.

PLACE: Hilton Sandestin Beach Golf Resort & Spa, 400 Sandestin Boulevard, South, Destin, Florida 32550 (Guestroom Rate: \$71.00 plus \$14.00 Resort Fee, which includes the parking fee, for single and double occupancy; Telephone Number for Hotel Reservations: Phone (850)267-9500, Fax (850)267-3076)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meetings are held to discuss issues relating to standards, training, examinations, certification, de-certification, record management for law enforcement, correctional, and correctional probation officers, Commission rules, officer discipline penalty guidelines, and certification and recertification of criminal justice training schools. All parties are invited to attend.

COMMISSION MEETING AND WORKSHOP AGENDA: A copy of the November 2005 Commission Meeting agenda may be obtained by contacting: Donna Hunt, (850)410-8615, e-mail: donnahunt@fdle.state.fl.us. The agenda and Commission issues will be posted to the FDLE website on October 31, 2005, and may be accessed at www.fdle.state.fl.us, (click on "Criminal Justice Resource Center", click on "Rules, Policies, and Commission Information", click on "Commission" and then click on "agenda.") **OFFICER DISCIPLINE AGENDA:** A copy of the November 2005 Officer Discipline Case Agenda may be obtained by contacting: Brenda Presnell, (850)410-8648, e-mail: brendapresnell@fdle.state.fl.us. If you wish to write the Commission for a copy of the above meeting agendas, please write: Florida Department of Law Enforcement, Criminal

Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Donna Hunt or Brenda Presnell. **TRAINING CENTER DIRECTOR ASSOCIATION AGENDA:** If you wish to write, call or e-mail the Chairman for a copy of the Training Center Directors' Association agenda, please write: Training Center Director Association Chairman Jim Hague, Seminole Community College, 100 Weldon Boulevard, Sanford, Florida 32773-6199, (407)328-2316, e-mail: haguec@scc-fl.edu.

SPECIAL ACCOMMODATIONS: 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 5 days prior to the meeting.

DEPARTMENT OF TRANSPORTATION

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: October 13, 2005, 8:30 a.m.

PLACE: Florida Department of Transportation, Burns Building, 605 Suwannee St., Room 479, Tallahassee, Florida

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, F.S., 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, F.S., 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.

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

DATE AND TIME: October 26, 2005, 10:00 a.m. – 5:00 p.m.

PLACE: Center for Urban Transportation Research (CUTR), University of South Florida, College of Engineering, 4202 E. Fowler Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular 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 **Department of Transportation**, District 3 hereby announces a public hearing to which all persons are invited.

Specific notice is provided to the Florida-Alabama Transportation Planning Organization and the County Commissioners for Escambia and Santa Rosa Counties serving as TPO for their respective counties; the Tallahassee Capital Region Transportation Planning Agency and the County Commissioners for Leon, Gadsden, Liberty, Wakulla, Franklin, and Jefferson Counties serving as TPO for their respective counties; the Okaloosa-Walton Transportation Planning Organization and the County Commissioners for Okaloosa and Walton Counties serving as TPO for their respective counties; and the Bay County Transportation Planning Organization and the County Commissioners for Bay, Gulf, Washington, Jackson, Holmes, and Calhoun Counties serving as TPO for their respective counties.

The Public Hearing is scheduled as follows:

Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton and Washington Counties:

District Three Work Program

DATE AND TIME: November 2, 2005, 2:00 p.m. (CST)

PLACE: Florida Department of Transportation, District 3, Design Conference Room, 1074 Highway 90, Chipley, Florida 32428

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Public Hearing is being conducted pursuant to Section 339.135(4)(c), F.S.. The hearing serves two purposes. The purpose of the public hearing is to consider the Department's Improved Tentative Work Program for District Three, for the period 2006/2007 through 2010/2011, and to consider the necessity of making any changes to the Program.

Any comments or input are welcome from all local and regional interest groups, governmental entities, business enterprises, and the general public. This Hearing is held in conformance with Public Law 101-336, the Americans with Disabilities Act (ADA). Assistance for disabled persons may be arranged by contacting the Title VI/VII Coordinator, (850)638-0250, Extension 520, at least 7 working days in advance of the public hearing.

Written comments from TPOs and other interested parties will be received by the Department at the Public Hearing and within 10 days after the Public Hearing. Comments should be

addressed to: Mr. H. E. Prescott, District Secretary, Department of Transportation, District Three, Post Office Box 607, Chipley, Florida 32428.

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, October 19, 2005, 9:00 a.m.

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

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

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

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

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

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** will consider at its October 18, 2005, Agenda Conference, Docket No. 050609-EI, Application of Tampa Electric Company for authority to issue and sell securities pursuant to Section 366.04, F.S., and Chapter 25-8, F.A.C. The Company seeks PSC approval pursuant to Section 366.04, F.S., to issue, sell and/or exchange equity securities and issue, sell, exchange and/or assume long-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$400 million, during the twelve month period, ending December 31, 2006. The Company also seeks approval pursuant to Section 366.04, F.S., to issue, sell, exchange and/or assume short-term debt securities with the maximum amount of short-term debt outstanding at any one time being \$475 million, during the twelve month period,

ending December 31, 2006. Additionally, the Company seeks authority to enter into interest rates swaps or other derivative instruments related to debt securities.

DATE AND TIME: Tuesday, October 18, 2005, 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 050609-EI.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

For additional information, please contact: Katherine Fleming, Office of the General Counsel, (850)413-6218.

The Florida **Public Service Commission** will consider at its October 18, 2005, Agenda Conference, Docket No. 050630-GU, Application by Chesapeake Utilities Corporation (Chesapeake or Company) for Authorization to Issue Common Stock, Preferred Stock, and Secured and/or Unsecured Debt, to Enter into Agreements for Interest Swap Products, Equity Products and other Financial Derivatives, and to Exceed Limitation Placed on Short-Term Borrowings in 2006. The Company seeks PSC approval, pursuant to Section 366.04, Florida Statutes, to issue up to 6,000,000 shares of Chesapeake common stock; up to 1,000,000 shares of Chesapeake preferred stock; up to \$80,000,000 in secured and/or unsecured debt; to enter into agreements up to \$40,000,000 in Interest Rate Swap Products, Equity Products and other Financial Derivatives; and to obtain authorization to exceed the limitation placed on short-term borrowings by Section 366.04, Florida Statutes, so as to issue short-term obligations in 2006, in an amount not to exceed \$40,000,000.

DATE AND TIME: Tuesday, October 18, 2005, 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 050630-GU.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any

person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a prehearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 050001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor.

Docket No. 050002-EG – Energy conservation cost recovery clause.

Docket No. 050003-GU – Purchased gas adjustment (PGA) true-up.

Docket No. 050004-GU – Natural gas conservation cost recovery.

Docket No. 050007-EI – Environmental cost recovery clause.

DATE AND TIME: October 24, 2005, 9:30 a.m. (EDT)

PLACE: Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and, (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing 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 prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces a hearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 050001-EI – Fuel and purchased power cost recovery clause and generating performance incentive factor.

Docket No. 050002-EG – Energy conservation cost recovery clause.

Docket No. 050003-GU – Purchased gas adjustment (PGA) true-up.

Docket No. 050004-GU – Natural gas conservation cost recovery.

Docket No. 050007-EI – Environmental cost recovery clause.

DATES AND TIME: November 7-9, 2005, 9:30 a.m. (EST)

The starting times on November 8 and 9, 2005, will be announced at the conclusion of the hearing on November 7 and 8, 2005, respectively. The hearing may be adjourned early if all testimony is concluded.

PLACE: Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing shall be to receive testimony and exhibits relative to issues and subjects, including but not limited to, the following: 1. Determination of the Projected Levelized Fuel Adjustment Factors for all investor-owned electric utilities for the period January 2006 through December 2006; 2. Determination of the Estimated Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2005 through December 2005; 3. Determination of the Final Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2004 through December 2004, which are to be based on actual data for that period; 4. Determination of Generating Performance Incentive Factor Targets and Ranges for the period January 2006 through December 2006; 5. Determination of Generating Performance Incentive Factor Rewards and Penalties for the period January 2004 through December 2004. 6. Determination of the Projected Capacity Cost Recovery Factors for the period January 2006 through December 2006. 7. Determination of the Estimated Capacity Cost Recovery True-Up Amounts for the period January 2005 through December 2005. 8. Determination of the Final Capacity Cost Recovery True-Up Amounts for the period January 2004 through December 2004, which are to be based on actual data for that period. 9. Determination of the Projected Conservation Cost Recovery Factors for certain investor-owned electric and gas utilities for the period January 2006 through December 2006. 10. Determination of Conservation Actual/Estimated Amounts for certain investor-owned electric and gas utilities for the period January 2005 through December 2005. 11. Determination of the Final Conservation True-up Amounts for the period January 2004 through December 2004 for certain investor-owned electric and gas utilities, which are to be based on actual data for that period. 12. Determination of the Purchased Gas Adjustment Cost Recovery Factors for the period January 2006 through December 2006. 13. Determination of Estimated Purchase Gas True-Up Amounts for the period January 2005 through December 2005. 14. Determination of the Final Purchased Gas True-Up Amounts for the period January 2004 through December 2004. 15. Determination of the Projected Environmental Cost Recovery Factors for the period January 2006 through December 2006. 16. Determination of the Estimated Environmental Cost Recovery True-Up Amounts for the period January 2005 through December 2005. 17. Determination of the Final Environmental Cost Recovery True-Up Amounts for the period January 2004 through December 2004, which are to be based on actual data for that period.

All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Ex-offender Task Force** workgroup announces conference calls to which all interested persons are invited to participate.

DATE AND TIME: Every Other Friday beginning October 7, 2005, 10:00 a.m. – 12:00 Noon (The dates are: 10/07, 10/21, 11/4, 11/18, 12/2, 12/16)

PLACE: The call-in number is (850)921-6513, Suncom 291-6513

REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: October 17, 2005, 5:00 p.m.

PLACE: Niceville City Hall, 208 N. Partin Drive, Niceville, Florida

The District 5, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

COMMITTEE NAME: Training Subcommittee

DATE AND TIME: Wednesday, October 19, 2005, 9:00 a.m.

COMMITTEE NAME: Local Emergency Planning Committee

DATE AND TIME: Wednesday, October 19, 2005, 10:30 a.m.

COMMITTEE NAME: Exercise Committee

DATE AND TIME: Wednesday, October 19, 2005, 12:00 Noon

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: Chairman report, Committee updates, and other organizational matters regarding the committees.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact: Mayana Anderson, (352)732-1315.

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

DATE AND TIME: Thursday, October 20, 2005, 7:00 p.m.
 PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

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

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

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 19, 2005, 10:00 a.m. (Please be advised that committee meetings will begin at 9:00 a.m.)

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751, (Please call (407)623-1075, Ext. 304, to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by writing: Mr. Jeff Jones, Acting Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751 or by visiting www.ecfrpc.org.

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Section 286.26, F.S., should, at least 48 hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee
 DATE AND TIME: Monday, November 14, 2005, 8:45 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council
 DATE AND TIME: Monday, November 14, 2005, 10:00 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee
 DATE AND TIME: Monday, November 14, 2005, 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency On Bay Management
 DATE AND TIME: Thursday, November 10, 2005, 9:00 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee
 DATE AND TIME: Monday, November 28, 2005, 9:30 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782 (Please call to confirm date, time and location)

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

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a Southern Recreational Public Meeting to which all persons are invited.

MEETING: Southern Recreational Public Meeting
 DATE AND TIME: Thursday, October 20, 2005, 6:00 p.m. – 8:00 p.m.

PLACE: Brevard County Government Complex, 2725 Fran Jamieson Way, Building C, 1st Floor, Viera, FL

TOUR: Management Review Team Tour, Oslo Riverfront Conservation Area

DATE AND TIME: Thursday, October 20, 2005, 1:00 p.m. – 3:00 p.m.

Call (386)329-4855 if interested in the MRT Tour
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To review land management and land acquisition activities in the Southern Region.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD), at least five work days before the date of the meeting.

The **Southwest Florida Water Management District** announces the following public meeting to which all interested persons are invited.

CITRUS/HERNANDO WATERWAYS RESTORATION COUNCIL

DATE AND TIME: Monday, October 17, 2005, 3:00 p.m.

PLACE: SWFWMD Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Council business.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida only), Extension 4227.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida) or (352)796-7211, Extension 4226, Fax (352)797-5806, TDD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces a public meeting, hearing or workshop to which all persons are invited.

PUBLIC SUPPLY ADVISORY COMMITTEE

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

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street (U.S. 41, South), Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida only), Extension 4402.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact: (352)796-7211 or 1(800)423-1476 (Florida only) Extension 4402 or TDD ONLY 1(800)231-6103 (Florida only).

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 12, 2005, 2:00 p.m.

PLACE: Sun-Sentinel, 3333 South Congress Avenue, Delray Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Business Meeting.

A copy of the agenda may be obtained by writing: The Broward Workshop, 2601 East Oakland Park Boulevard, Suite 503, Fort Lauderdale, Florida 33306. The Regional Business

Alliance is comprised of business leaders from Miami-Dade, Broward, and Palm Beach counties, including members of the South Florida Regional Transportation Authority.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the meeting above. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Thursday, October 13, 2005, 1:00 p.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Stormwater Management Issues Workshop.

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/gover/wrac/agendas.html>.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, Assistant District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Rick Smith, WRAC Facilitator, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6517.

The Big Cypress Basin Board, **South Florida Water Management District** announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference, to which all interested persons are invited.

DATE AND TIME: October 21, 2005, 9:00 a.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, 3301 East Tamiami Trail, Naples, Florida (This address shall be the designated access point for public attendance of the meeting.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Basin Business. The Board will also commend the City of Marco Island for adopting water conservation measures effectively.

A copy of the agenda may be obtained by writing: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, or calling Kathleen Tetrault, (239)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Kathleen Tetrault, (239)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. Those persons who desire more information, or those wishing to submit written or physical evidence may contact: Kathleen Tetrault, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (239)597-1505.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Wednesday, October 26, 2005, 9:00 a.m. – 4:00 p.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Lake Okeechobee Committee Meeting; and a Lake Okeechobee Workshop to provide an overview of regional conditions and system operations for the prior 6-month period, and projected conditions and operations of Lake Okeechobee for the next 6-month period. All interested parties are invited to attend.

A copy of the agenda may be obtained by contacting: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: <http://www.sfwmd.gov/wrac.html> or <http://www.sfwmd.gov/gover/wrac/agendas.html>.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, Assistant District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Susan Gray, Ph.D., Lake Okeechobee Division, Watershed Management Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4430, West Palm Beach, FL 33406, (561)682-6919 or Rick Smith, WRAC Facilitator, (561)682-6517.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Rate Review Committee Meeting to which all persons are invited.

DATE AND TIME: Thursday, October 20, 2005, 10:00 a.m. – completion

PLACE: The Rosen Centre, 9840 International Drive, Orlando, Florida 32819, (407)996-9840. Conference Call Number (850)922-2904, Suncom 292-2904

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hear rate review requests and discuss the rate standardization model.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations 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, 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Medicaid Committee Meeting to which all persons are invited.

DATE AND TIME: Thursday, October 20, 2005, 1:00 p.m. – completion

PLACE: The Rosen Centre, 9840 International Drive, Orlando, Florida 32819, 407-996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the revised allocation formula for the Medicaid NET Program.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations 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, 1(800)983-2435. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Public Relations Committee Meeting to which all persons are invited.

DATE AND TIME: Thursday, October 20, 2005, 4:00 p.m. – completion

PLACE: The Rosen Centre, 9840 International Drive, Orlando, Florida 32819, (407)996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Commission's public relations efforts and other items.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations 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, 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Commission Meeting to which all persons are invited.

DATE AND TIME: Friday, October 21, 2005, 9:00 a.m. – completion

PLACE: The Rosen Centre, 9840 International Drive, Orlando, Florida 32819, (407)996-9840, Conference Call Number (850)414-1711, Suncom 994-1711

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues related to the Medicaid contract and other items.

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, 1(800)983-2435, 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Legislative Workshop to which all persons are invited.

DATE AND TIME: Friday, October 21, 2005, 1:00 p.m. – completion

PLACE: The Rosen Centre, 9840 International Drive, Orlando, Florida 32819, (407)996-9840, Conference Call Number (850)414-1711, Suncom 994-1711

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss possible changes to Chapter 427, F.S., and other items.

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, 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

REGIONAL UTILITY AUTHORITIES

The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular October monthly board meeting as scheduled. This is a public meeting to which all persons are invited.

DATE AND TIME: October 19, 2005, 4:30 p.m.

PLACE: Ocala City Commission Chambers, City Hall, 151 S. E. Osceola Ave., 2nd Floor, Ocala, Florida 34471

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, Florida 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs**, Office of the General Counsel announces a workshop to which all interested persons are invited.

DATE AND TIME: Tuesday, October 26, 2005, 9:30 a.m. – 4:00 p.m.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Revisions to the 1994 Client Services Manual entitled "Department of Elder Affairs Home and Community Based Programs and Services Manual." The workshop will provide interested parties the opportunity to review the proposed changes to the original 1994 manual. Specific areas to be discussed are as follows: (1) Chapter 5 – Community Care for the Elderly (CCE) Program; (2) Chapter 6 – Alzheimer's Disease Initiative (ADI) Program; (3) Chapter 7 – Home Care for the Elderly Program; (4) Chapter 8 – Disaster Preparedness; (5) Appendix A – Service Descriptions and Standards; (6) Appendix B – Co-Payment for CCE and ADI Programs; (7) Appendix C – DOEA Coordination with other State/Federal Programs; (8) Appendix D – CIRTS; (9) Appendix E – Grievance Procedures.

To obtain more information about the workshop or copies of the documents, please contact: Jim Crochet, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Suncom 994-2000, e-mail: crochetj@elderaffairs.org.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop should advise the department at least seventy-two (72) hours before the workshop by contacting: Jim Crochet, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Suncom 994-2000, e-mail: crochethj@elderaffairs.org.

If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Wednesday, October 12, 2005, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the collection, analysis and dissemination of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Helen Sancho, (850)922-5572, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Penny Bos, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at <http://www.fdhc.state.fl.us/SCHS/chismetings.shtml> seven (7) days prior to the meeting.

DEPARTMENT OF MANAGEMENT SERVICES

The State of **Florida Retirement Commission** announces public hearings to which all persons are invited.

DATE AND TIME: October 17, 2005, 8:30 a.m.

PLACE: Embassy Suites, 570 Scenic Gulf Drive, Destin, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service, 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco** announces a re-scheduled rule development workshop to which all persons are invited. The original rule development workshop was scheduled for October 20, 2005, 10:00 a.m. – 11:00 a.m., published in Vol. 31, No. 38, September 23, 2005, F.A.W. The new workshop is re-scheduled below.

DATE AND TIME: Thursday, October 27, 2005, 10:00 a.m. – 11:00 a.m.

PLACE: Alcoholic Beverages and Tobacco Roscoe Hargett Conference Room, Suite 26, 1940 North Monroe Street, Tallahassee, Florida 32399-1020

GENERAL SUBJECT MATTER TO BE CONSIDERED: This rule development workshop will consider changes to existing Rule 61A-4.056, F.A.C., as noticed in the September 23, 2005, Florida Administrative Weekly, Vol. 31, No. 38.

A copy of the public portion of the agenda may be obtained by writing: Angela Desmond, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-2563.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceeding should contact the General Counsel's Office no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The General Counsel's Office may be contacted at the address and phone number listed above.

The **Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco** announces a re-scheduling of a rule hearing to which all persons are invited. The original hearing, scheduled for Thursday, October 20, 2005, 11:00 a.m. – 5:00 p.m. and originally published in the September 23, 2005 F.A.W is re-scheduled below.

DATE AND TIME: Thursday, October 27, 2005, 11:00 a.m. – 5:00 p.m.

PLACE: Alcoholic Beverages and Tobacco Roscoe Hargett Conference Room, Suite 26, 1940 North Monroe Street, Tallahassee, Florida 32399-1020

GENERAL SUBJECT MATTER TO BE CONSIDERED: This rule hearing will consider the rule language of Chapters 61A-1, 61A-2, 61A-3, 61A-4 and 61A-5, F.A.C., as noticed in the May 27, 2005, Florida Administrative Weekly, Vol. 31, No. 21, that addresses Alcoholic Beverages and Tobacco licensing policies and procedures. The meeting will commence at 11:00 a.m. and continue until all business is exhausted or until 5:00 p.m., whichever comes first. A rule hearing was held on September 9, 2005, but due to schedule conflicts and proposed language changes, another date was requested.

A copy of the public portion of the agenda may be obtained by writing: Angela Desmond, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-2563.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceeding should contact the General Counsel's Office no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The General Counsel's Office may be contacted at the address and phone number listed above.

Notice is hereby given by the **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes**, of a meeting of the Advisory Council on Condominiums.

DATE AND TIME: Monday, October 24, 2005, 5:00 p.m. – 10:00 p.m.

PLACE: Seven Lakes Condominium Association Auditorium, 1965 Seven Lakes Boulevard, Ft. Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public input.

DATE AND TIME: Tuesday, October 25, 2005, 10:00 a.m. – 3:00 p.m.

PLACE: Law Offices of Becker & Poliakoff, P.A., 14241 Metropolis Avenue, Suite 100, Ft. Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business.

AGENCY CONTACT PERSON: Carol Windham, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe, Tallahassee, Florida 32399-1032, (850)488-1631.

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: Carol Windham, Government Analyst, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 TDD.

The Florida **Board of Architecture and Interior Design** announces the following meeting which all persons are invited to attend.

DATE AND TIME: October 25, 2005, 9:00 a.m., Eastern Time
GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business: discussion items include – architecture profession, interior design profession, rules, Continuing Education Task Force and review of applications.

DATE AND TIME: October 26, 2005, 9:00 a.m., Eastern Time
GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

PLACE: Hampton Inn & Suites – Amelia Island, 19 South Second Street, Fernandina Beach, FL 32034, (904)491-4911

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Accountancy**, Committee on Accounting Education announces a public meeting to which all person are invited.

DATE AND TIME: Monday, October 17, 2005, 9:00 a.m.

PLACE: Conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider applications for the 2005 CPA Examination and other items relating to the educational requirements to sit for the CPA Examination.

A copy of the agenda may be obtained by writing: John Johnson, Division Director, Division of Certified Public Accounting, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607. Anyone wishing to participate in the meeting should notify Evelyn Anglehart no later than October 10, 2005, at (352)333-2505, Ext 103.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/

meeting by contacting: Evelyn Anglehart, (352)333-2505. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, October 12, 2005, at 3:00 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public.)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

PLEASE NOTE THAT THE PROBABLE CAUSE MEETING OF THE FLORIDA REAL ESTATE COMMISSION, ORIGINALLY SCHEDULED FOR SEPTEMBER 19TH WAS CANCELLED.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Monday, October 17, 2005, 4:00 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public.)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired,

please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** (FREC) announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, October 18, 2005, 8:30 a.m.; reconvening Wednesday, October 19, 2005, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Chapter 61J2, F.A.C., rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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 Juvenile Justice Provider Staff Certification Task Force meeting to which all person are invited.

DATE AND TIME: October 13, 2005, 8:30 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. A final report must be submitted to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1, 2006.

REVISED ADDITIONAL MEETINGS: This is a revision to the meeting schedule that was posted in the August 26, 2005, Florida Administrative Weekly. Two additional meetings have been scheduled: November 2, and November 29, 2005, in Tallahassee, FL. Times, locations and an agenda for these meetings can be obtained by contacting: Barbara Buda, (850)414-2495, e-mail: Barbara.Buda@djj.state.fl.us

DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

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

PLACE: Renaissance Tampa Hotel, 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 Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, www.doh.state.fl.us/mqa/chiro/index.html.

The **Department of Health, Board of Dentistry** announces a meeting of the Rules Committee/Rules Development Workshop, an official meeting to be held via telephone conference call. All interested parties are invited to attend the telephone conference call, which is open to the public.

DATE AND TIME: October 18, 2005, 5:30 p.m.

TELEPHONE NUMBER: (850)410-0967

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed rule changes.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474.

NOTICE OF LOCATION CHANGE – The **Board of Massage Therapy**, Probable Cause Panel announces a meeting to which all interested persons are invited to participate.

DATES AND TIMES: Wednesday, October 26, 2005, 6:00 p.m. or soon thereafter

PLACE: The Tallahassee Leon County Civic Center, 505 West Pensacola Street, Tallahassee, FL 32301, (850)487-1691

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Samantha DiConcilio, Department of Health, Prosecution Services, 4052 Bald Cypress Way, Bin #C65, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at: 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

NOTICE OF LOCATION CHANGE – The Florida **Board of Massage Therapy** will hold the following meeting to which all persons are invited.

DATES AND TIMES: Thursday, October 27, 2005, 9:00 a.m. or shortly thereafter; Friday, October 28, 2005, 9:00 a.m. or shortly thereafter

PLACE: The Tallahassee Leon County Civic Center, 505 West Pensacola Street, Tallahassee, FL 32301, (850)487-1691

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 or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)245-4161. You will be charged seventeen cents per page for the number of copies desired. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons, who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health** and a special committee of the **Board of Physical Therapy** and the **Board of Massage Therapy** announces a meeting to which all persons are invited. DATE AND TIME: October 25, 2005, 10:00 a.m. or soon thereafter

PLACE: Courtyard Marriott Westshore, 3805 West Cypress, Tampa, FL 33607, (813)874-0555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The selection of one additional member of the special committee, pursuant to Section 456.011(5), F.S. and General Business.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL, (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: Board Office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

Executive Committee

DATE AND TIME: October 12, 2005, 8:00 a.m. – 11:00 a.m.

PLACE: Clem C. Benton Bldg., Room 335, 337 N. US Hwy #1, Ft. Pierce, FL 34950

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4177.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact: Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

ALLIANCE MEETING

DATE AND TIME: October 28, 2005, 8:30 a.m. – 10:30 a.m.

PLACE: St. Lucie County Public School, School Board Office, 4204 Okeechobee Road, Fort Pierce, Florida 34947-5414

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4177.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact: Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)8770 (Voice) and 1(800)955-8771 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a workgroup video conference meeting concerning the measurement of total length in all finfish rules that contain a total length measurement, to which all interested persons are invited.

DATE AND TIME: October 18, 2005, 3:00 p.m. – 6:00 p.m. (EST) (2:00 p.m. to 5:00 p.m. (CST) for the Panama City location)

PLACE: The public may access this video conference at the following locations:

Florida Fish and Wildlife Conservation Commission, Farris Bryant Building, Room 272, 620 South Meridian Street, Tallahassee, FL 32399, (850)488-8676

Northwest Regional Office, 3911 Hwy. 2321, Panama City, FL 3209, (850)265-3676

North, Central Regional Office, 3377 E. US Hwy 90, Lake City, FL 32055, (386)758-0525

Northeast Regional Office, 1239 S. W. 10th Street, Ocala, FL 34474, (352)732-1225

Southwest Regional Office, 3900 Drane Field Road, Lakeland, FL 33811, (863)648-3203

South Regional Office, 8535 Northlake Boulevard, West Palm Beach, FL 33412

Fish and Wildlife Research Institute, 100 Eighth Avenue, S. E., St. Petersburg, FL 33701, (727)896-8626

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a workgroup video conference meeting to gather public testimony regarding the measurement of total length in marine finfish rules that contain total length measurement.

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

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 a public meeting of the ad hoc Blue Crab Advisory Board, to which all interested persons are invited.

DATE AND TIME: October 27, 2005, 10:00 a.m. – 5:00 p.m.

PLACE: Hilton-Ocala, 3600 S. W. 36th Avenue, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The ad hoc Blue Crab Advisory Board of the Fish and Wildlife Conservation Commission will convene to discuss the draft rule language associated with the proposed non-transferable Blue Crab Limited Entry Endorsement and consider what recommendations to make in that regard to the Commission. The Blue Crab Appeals Board will also be organized at this meeting.

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

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 to which all interested persons are invited to participate.

DATE AND TIME: November 1, 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.

FLORIDA CLERK OF COURT OPERATIONS CONFERENCE

The **Clerks of Court Operations Corporation** announces a teleconference. All persons are invited to participate.

DATE AND TIME: Tuesday, October 11, 2005, 1:00 p.m. – 4:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The LBC process and recommendations and other issues as necessary.

Information regarding the meeting may be obtained by contacting: John Dew, Florida CCOC, (850)386-2223, CCOC website: www.flccoc.org.

HARDEE COUNTY ECONOMIC DEVELOPMENT AUTHORITY

The **Hardee County Economic Development Authority** (Independent Board) announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: Tuesday, October 18, 2005, 8:30 a.m.

PLACE: County Commission Chambers, 412 West Orange Street, Room 102, Wauchula, Florida

For more information call the County Manager's office, (863)773-9430.

This is a Disabled-Accessible facility. Any disabled person needing to make special arrangements should contact the County Commissioner's office at least forty-eight (48) hours prior to the public meeting.

This notice is published in compliance with Section 286.0105, F.S.

Interested parties may appear at the public meeting and be heard. If a person decides to appeal any decision made by the members, with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY

The Florida Atlantic Research and Development Authority will hold a regular meeting to which all interested parties are welcome to attend.

DATE AND TIME: Wednesday, October, 19, 2005, 8:00 a.m.
PLACE: The Broward Alliance Conference Room, 300 S. E. 2nd Street, Suite 780, Ft. Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items will include the continuation of commitment to the Technology Business Incubator and a budget revision to make that possible.

For Information or copies of the agenda, contact: Scott Ellington, Executive Director and CEO, (561)416-6092, e-mail; scott@research-park.org.

VISIT FLORIDA

The VISIT FLORIDA, Board of Directors announces a public meeting of the Nature-Based Tourism Committee of the New Product Development Council.

PLACE: Plantation Inn & Golf Resort, 9301 W. Fort Island Trail, Crystal River, FL 34429, (352)795-4211

DATE AND TIME: Wednesday, November 9, 2005, 10:00 a.m. – adjournment

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss on-going committee projects.

For further information contact: Sara R. Patterson, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 363.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATIONS

The Board of Professional Surveyors and Mappers hereby gives notice that it has issued an Order dismissing the Petition for Declaratory Statement filed by Academic Services Corporation on August 12, 2005. The Notice of Petition for Declaratory Statement was published in Vol. 31, No. 34, of the August 26, 2005, Florida Administrative Weekly. The Petition seeks the Board's opinion on 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.

A copy of the Petition or the Board Order may be obtained by contacting: 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."

**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:

Volusia County vs. Department of Environmental Protection;
Case No.: 05-3395RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

NOTICE TO DESIGN-BUILDERS

The Florida International University Board of Trustees announces that design-build services will be required for the project listed below:

Project Name and Number: Football Stadium Expansion, BT-842

Project Location: This facility will be located at Florida International University, University Park

Project Description: Florida International University is soliciting qualifications for a design-build firm to provide complete design-build services for the expansion of the existing football stadium located at University Park, Miami, Florida. The scope of the project will include, but is not limited

to, the demolition and expansion of the existing 7500 seat stadium to a new stadium of approximately 23,500 seats including men’s and women’s bathroom facilities, concessions, private luxury suites, press box and media areas, expansion of the existing field house, and the addition of offices for the head football coach and his staff. Other items include field lighting, landscaping, scoreboard, sound system, expansion of existing utility systems necessary to accommodate new components, demolition of existing running track, adjacent roadway and entry modifications to accommodate the overall expansion, and other miscellaneous support elements.

Firms desiring to provide design build-services for the project shall submit a letter of application and a completed Design-Build Qualifications Supplement (DBQS) form. Submittals must not exceed 80 pages, including the DBQS form and letter of application. Pages must be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal material will be returned.

The process for selecting a design-build firm for this Project will include evaluation and scoring of the information provided on the respondent’s DBQS form. A Selection Committee will evaluate and score the information provided, which includes prior project-related experience, design and technical abilities, financial resources, etc.

A minimum of 3 firms receiving the highest scores after evaluation will be short listed. These firms will be given the opportunity to present their design build qualifications, design and construction services, approach and methodology to the Selection Committee. Based on this presentation and interview a minimum of 3 design build firms will be selected to prepare and submit priced schematic designs and a construction schedule based on F.I.U.’s building Program and Design Criteria package prepared by the Owners design criteria consultants.

QUALIFICATIONS REQUIREMENTS: In addition to other requirements included in the DBQS form, the design-build firm team member(s) involved in professional services as engineer and/or architect and construction services as a certified general contractor shall meet the requirements of Section 287.055, F.S., at the time of the DBQS submittal. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, F.S., a Design-Build firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Design-Build firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Design-Build Qualifications Supplement (DBQS) form and the project fact sheet may be obtained by mail from: Facilities Planning, Florida International University, University Park, Miami, Florida 33199, or by Faxing a request to (305)348-4010, or login to <http://facilities.fiu.edu/fpc.htm> (find project under Facilities Construction Project Information). Requests for meetings by individual firms will not be granted. Once the firm acquires the required forms, questions may be directed to Facilities Planning.

Eight (8) bound copies of the Design-Build Qualifications submittal should be delivered to: Selection Committee, Florida International University, University Park, CSC 236, Miami, Florida 33199. and clearly marked with the title "Football Stadium Expansion. BT-842"

Submittals must be received by 2:00 p.m. local time, on Friday, November 4, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

The Florida International University Board of Trustees announces that Professional Services in the discipline of Architecture will be required for the project listed below:

Project Name and Number: Social Sciences International Building, BT-835

Project Location: This facility will be located at Florida International University, University Park

Project Description: The proposed building will jointly house International Studies and the International School. The building should provide a striking physical symbol of the international dimension of the University's mission and identity. It should provide a state-of-the art venue for the many activities – classes, lectures, workshops, performances, conferences, and faculty and graduate student research-that constitute the agendas of its occupants. It should invite faculty, students, and others to linger over their work, and to interact over lunch, coffee, or casual conversation. It should impress the constant stream of prominent foreign visitors that find their way to FIU. It also should enhance the external reputations of the centers and institutes, departments, and school that inhabit it.

The project will also require campus utility infrastructure improvements to service the building and future building sites. It will contain an approximate total gross square footage of 57,712 with a construction budget of approximately \$14 million.

The selected firm will provide professional services in programming, design development, construction documents, and construction administration. Blanket professional liability insurance will be required in the amount of \$1,000,000 and will be provided as a part of Basic Services.

INSTRUCTIONS:

Firms and Joint Ventures desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed (former Board of Regents) "Professional Qualifications Supplement (SUSPQS)," dated September 1999. Applications on any other form will not be considered. The MBE point scale in the PQS is no longer used. Disregard paragraph 4 on page 2 of the instructions.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board.

An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit seven (7) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions will not be considered. State of Florida Minority Business Enterprise certification is no longer requested. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, F.S. As required by Section 287.133, F.S., a firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms (Architect/Engineer Selection CM-N-06.03-09/99) and the Project Fact Sheet may be obtained on-line at <http://facilities.fiu.edu/fpc.htm>. Requests for meetings by individual firms will not be granted.

Submit qualifications to: Selection Committee, Florida International University, Facilities Planning, Campus Support Complex, Room 236, University Park, Miami, Florida 33199, by 2:00 p.m. local time, on Friday, November 4, 2005. Late submittals shall be disqualified. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of North Florida Board of Trustees, a public body corporate, announces that Professional Services in the discipline of Civil Engineering will be required for the project listed below:

Project and Location: Design and construction of an ecologically friendly roadway on the west side of the campus core.

Blanket professional liability insurance will be required for this project in the amount of \$2,000,000 and will be provided as a part of Basic Services (each, aggregate and per occurrence).

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. The most recent version of the Florida Board of Education – Division of Colleges and Universities “Professional Qualifications Supplement” completed by the applicant’s office applying for the project. Applications on any other form will not be considered.
2. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 7 copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

Scoring of minority business enterprise participation will not be considered in the scoring process.

As required by Section 287.133, F.S., a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting:

Zak Ovadia, AIA
 University of North Florida
 4567 St. Johns Bluff Road, South
 Jacksonville, Florida 32224
 (904)620-2016, Fax (904)620-2020

Submittals must be received in the Office of Facilities Planning, JJ Daniel Hall, University of North Florida, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, by 2:00 p.m. local time, on November 8, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District 4 announces sealed bids will be received until 2:00 p.m., (local time) on Friday, November 1, 2005, in The District Contracts Office, First Floor of the State of Florida Department of Transportation, District Four Office, 3400 W. Commercial Blvd., Fort Lauderdale, Florida 33309, for the following work:
PROJECT DESCRIPTION: St. Lucie County; FCO
CONTRACT NO. E4108; Financial number 23286115201.
 Work consists of constructing a 50 ft. x 200 ft. design/built

Butler Manufactured metal building, at the Florida Department of Transportation, Ft. Pierce Operations Center at 3601 Oleander Ave., Ft. Pierce, Florida.

NOTE: Bid packages will be issued at a mandatory pre-bid/site visit at 11:00 a.m. on October 25, 2005, at the Ft. Pierce Operations Center. Contractors are required to submit a copy of the appropriate Contractor’s License and Certification as required by the State as required by the State for the type of work to be performed, at the mandatory pre-bid/site visit. For directions or other information please call: Esther Brandt, (954)777-4620.

PROJECT LENGTH: Contractor will have 180 days to complete the project after contract execution.

BID OPENING: Bids will be opened at 2:00 p.m. (Local Time) on November 1, 2005, in the First Floor Procurement Conference Room, located at the District Four Office, 3400 West Commercial Blvd., Fort Lauderdale, FL 33309.

QUALIFICATIONS FOR BIDDING: Contractors must be a licensed State of Florida contractor, certified by Butler Manufactured Metal Buildings, and shall have at least five years contracting experience and at least five years Butler building experience, and be a licensed, bondable, and insured Butler building supplier.

BID POSTING: **NOTE:** Bidders are hereby notified that all bids on any of the above projects are likely to be rejected if the lowest responsive bid received exceeds the engineers estimate. In the event any of the bids are rejected for this reason, the project may be deferred for re-advertising for bids until such a time that a more competitive situation exists.

Unless bidders are notified by fax or email, the summary of bids for this project will be posted on the Vendor Bid System, and at the District Four Office, 3400 Commercial Blvd., Fort Lauderdale, Florida 33309, on Wednesday, November 2, 2005, at 2:00 p.m. Posting will provide notice of the Department’s intent to award a contract or to reject any or all bids.

BID BOND: The Department will accept sealed bids from qualified bondable contractors. A Proposal Guaranty of not less than five percent of the total actual bid in the form of either a certified check, cashier’s check, or a Surety Bid Bond made payable to the Department of Transportation, must accompany each bid in excess of \$150,000.00. Bonds shall conform to DOT Form 375-020-09 furnished with the proposal forms.

PERFORMANCE BOND: Bidders shall include in their bids a letter of intent to provide 100% Performance, Labor and Material Bond.

BID SOLICITATION PROTEST RIGHTS: Pursuant to the Uniform Rules of Procedure, Rule Chapter 28, and DOT Rule Chapter 14-25, F.A.C., any person adversely affected by a bid solicitation shall file both a notice of protest and bond within 72 hours of the receipt of the bid documents, and shall file a formal written protest within ten days after filing the notice of protest. The required notice of protest, bond, and formal protest must each be timely filed with the Clerk of Agency

Proceedings, Florida Department of Transportation, Mail Station 58, Room 550, 605 Suwannee Street, Tallahassee, Florida 32399-0458, telephone number (850)414-5393. Failure to file a protest within the time prescribed in Section 120.57(3), F.S., shall constitute a waiver of proceedings under Chapter 120, F.S.

A protest is not timely filed unless the notice of protest, bond, and the formal protest are each received by the Clerk of Agency Proceedings within the required time limits.

AWARD/NON AWARD PROTEST RIGHTS: Any person who feels they are adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file, with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0458, telephone number (850)414-5393, both a notice of protest and bond within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file both the notice of protest and bond within 72 hours after receipt of the notice of intent. Additionally, a formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with the Uniform Rules of Procedure Rule Chapter 28, and DOT Rule Chapter 14-25, F.A.C. Failure to file a protest within the time prescribed in Section 120.57(3), F.S., shall constitute a waiver of proceedings under Chapter 120, F.S.

A protest is not timely filed unless the notice of protest, bond, and the formal protest are each received by the Clerk of Agency Proceedings within the required time limits. A protest which is filed prematurely will be deemed abandoned unless timely renewed.

NOTE: The Department will accept legible facsimile (FAX) Price Revisions Pursuant to the Project Specifications at FAX No. (954)777-4602, if received in full by 2:00 p.m. on the day of the letting. A faxed revision will not be considered if received at a different FAX number, or after 2:00 p.m.

MINIMUM WAGE: Wage Rates: Pursuant to the Fair Labor Standards Act, the Minimum Wage Rates for the project(s) included in this Notice shall be \$6.15 per hour.

The right is reserved to reject any or all bids.

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

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION CONTRACTORS TO PROVIDE CONSTRUCTION MANAGEMENT AT RISK SERVICES

REQUEST FOR QUALIFICATIONS (RFQ): The Department of Management Services, Division of Facilities Management and Building Construction, request qualifications for licensed general contractors, to submit for Construction Management at Risk services on the following project:

PROJECT NUMBER: FDVA-25001000, New State Nursing Home for Florida Department of Veterans Affairs, North East Region. The Estimated Construction Cost is \$12,000,000.00. (Full funding contingent upon appropriation by the Legislature) The award will be made in accordance with Section 287.055, F.S., and the procedures and criteria of the Department of Management Services.

For details please visit the Department’s website listed below and click on “search Advertisements – Division of Facilities Management and Building Construction.” http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu

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.”

CITY OF FT. LAUDERDALE

NOTICE TO CONTRACTORS

Sealed bids will be received until Wednesday, October 26, 2005 in the Office of the City Engineer, Public Works Department (Engineering and Architectural Services), City Hall, 100 North Andrews Avenue, 4th Floor, City of Fort Lauderdale, Florida and opened immediately thereafter in the Conference Room, for PROJECT 10888 – PUMP STATIONS – SEPTIC AREA 3 (EAST AND WEST), SEPTIC AREA 4 (BASIN F), AND SEPTIC AREA 5.

This project consists of Drawing File No. WS-04-22 consisting of 45 sheets.

The work includes: installation of four (4) sanitary sewer pump stations and connections to existing sanitary sewer and force main systems.

The sequencing for the construction of the pump stations is detailed in the Summary of Work. Total Project duration is 225 Calendar Days from Notice to Proceed.

Bidding blanks may be obtained at the Office of the City Engineer. Plans and specifications are on file in the Office of the City Engineer.

A pre-bid meeting will be held at 2:00 p.m. on Wednesday, October 12, 2005 at the Program Management Team office at 200 North Andrews Avenue, Suite 300 (third floor), Fort Lauderdale, Florida. The pre-bid meeting is recommended, but not mandatory.

It will be the sole responsibility of the bidder to clearly mark bid as such, and ensure that his bid reaches the City prior to the bid opening date and time listed.

A certified check, cashier's check, bank officer's check or bid bond for five percent (5%), made payable to the City of Fort Lauderdale, Florida, shall accompany each proposal.

This project is funded in whole or in part by the Florida Department of Environmental Protection, State Revolving Fund. Bidders are encouraged to become familiar with the provisions of the Supplement Conditions contained in these documents and in particular the requirements of Article 20, Equal Employment Opportunity.

The City of Fort Lauderdale reserves the right to waive any informality in any bid and to reject any or all bids.

Information on bid results and projects currently out to bid can be obtained by calling the pre-recorded City of Fort Lauderdale Bid Information Line, (954)828-5688.

For general inquiries – please call (954)828-5772.

TOWN OF OTTER CREEK

REQUEST FOR BIDS

The Town of Otter Creek is disposing of a 1970 American LaFrance fire truck. It has a rebuilt 6 cylinder Detroit Diesel Motor. Needs some mechanical work. Send sealed bids marked "bid-fire truck", to Town of Otter Creek, P. O. Box 65, Otter Creek, FL 32683-0065. Deadline for bids is 7:00 p.m. Oct. 17, 2005. For more info call the Town Clerk at (352)486-4413 or (352)486-4766.

EARLY LEARNING COALITION OF PALM BEACH COUNTY

Request for Proposal

Competitive sealed proposals will be accepted by the Early Learning Coalition of Palm Beach County, Inc. for the following service: School Readiness Services (Subsidized Child Care) and Voluntary Pre-Kindergarten Services.

Sealed proposals will be received until 5:00 p.m. (EDT) on Monday, November 7, 2005, at 3111 S. Dixie Hwy., Ste. #244, West Palm Beach, FL 33411.

RFP specifications are available on the Coalition's website: www.elcpalmbeach.org, or by contacting: Vivian Blackmon-Taylor, Director of School Readiness at the address indicated above, (561)214-7423, e-mail: vivian.blackmon-taylor@elcpalmbeach.org, Reference RFP Number: ELCPCB-2005-1.

ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

REQUEST FOR QUALIFICATIONS

BID NO.: 06-25

LOBBYIST SERVICES

for ST. JOHNS COUNTY, FLORIDA

Notice is hereby given that proposals for Lobbyist Services will be received until 4:00 p.m. on Thursday, October 13, 2005, by Sharon Haluska, Contract Administrator, St. Johns County Purchasing Department, 2740 Industry Center Road, St. Augustine, Florida 32084

The St. Johns County Board of Commissioners is soliciting responses from qualified and experienced firms to provide Professional Lobbyist Services to represent St. Johns County at State of Florida legislative sessions.

Scope of Work:

The successful candidate will represent St. Johns County before the State of Florida legislature and will be dedicated to the particular needs of this county.

Qualifications:

Firms interested in submitting a qualifications package should apply by submitting five (5) copies of the entire package including a Letter of Interest containing the following information:

- Introduction to the firm providing the (a) firm's name, address, phone number, fax number, email address and any other office locations; name/s of company officer/s and appropriate contact numbers and a current fee schedule.
- Familiarity with St. Johns County or other governmental agencies in the Northeast Florida region.
- Recent related experience as a lobbyist for counties of similar size and growth and successes attained in that capacity.
- Experience inside the legislative process
- References with name, address, phone number/s and relationship to the project.

Any and all questions relative to this Request for Qualifications shall be directed to: Mr. Joe Burch, Purchasing Manager, (904)209-0152, Fax (904)209-0153.

RFQ Package request forms are available by calling the Onvia/ Demandstar System, 1(800)711-1712 and requesting Document # 06-25. Many packages can be downloaded from the Internet. Check the agency's site for download availability and any applicable fees. Vendors registered with Onvia/ Demandstar can download packages at no cost from their web-site, www.demandstar.com or by contacting: Sharon Haluska, St. Johns County Purchasing Dept., (904)209-0156.

Due Date/Location:

The letters of interest and supplemental information will be received until 4:00 p.m. Thursday, October 13, 2005. Mail or deliver all proposals to: St. Johns County Purchasing Department, 2740 Industry Center Road, St. Augustine, FL 32084, Attn: Sharon Haluska.

The St. Johns County Board of County Commissioners reserves the right to reject any or all proposals, waive minor formalities or award to/ negotiate with the firm whose proposal best serves the interest of St. Johns County.

Section XII Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Thunder Mountain Custom Cycles, Inc., intends to allow the establishment of Peterson Harley-Davidson of Miami, as a dealership for the sale of Thunder Mountain Custom motorcycles, at 19400 Northwest 2nd Avenue, Miami, (Dade County), Florida 33169, on or after September 22, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Peterson Harley-Davidson of Miami are dealer operator: Dirk Peterson, c/o Peterson Harley-Davidson of Miami, 19400 Northwest 2nd Avenue, Miami, Florida 33169; principal investor(s): Phil Peterson, Drew Peterson and Dirk Peterson, c/o Peterson Harley-Davidson of Miami, 19400 Northwest 2nd Avenue, Miami, Florida 33169.

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: Maria Amaya, Controller, Thunder Mountain Custom Cycles, 5836 Wright Drive, Loveland, Colorado 80538.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Thunder Mountain Custom Cycles, Inc., intends to allow the establishment of Peterson Harley-Davidson South, as a dealership for the sale of Thunder Mountain Custom motorcycles, at 17631 South Dixie Highway, Perrine (Dade County), Florida 33157, on or after September 22, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Peterson Harley-Davidson South are dealer operator: Drew Peterson, c/o Peterson Harley-Davidson South, 17631 South Dixie Highway, Perrine, Florida 33157; principal investor(s): Phil Peterson, Drew Peterson and Dirk Peterson, c/o Peterson Harley-Davidson South, 17631 South Dixie Highway, Perrine, Florida 33157.

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: Maria Amaya, Controller, Thunder Mountain Custom Cycles, Inc., 5836 Wright Drive, Loveland, Colorado 80538.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Thunder Mountain Custom Cycles, Inc., intends to allow the establishment of The Trike Shop of Daytona, Inc., as a dealership for the sale of Thunder Mountain Custom motorcycles, at 410 North Beach Street, Daytona Beach (Volusia County), Florida 32114, on or after September 26, 2005.

The name and address of the dealer operator(s) and principal investor(s) of The Trike Shop of Daytona, Inc., are dealer operator: Dick Lindholm, c/o The Trike Shop of Daytona, Inc., 410 North Beach Street, Daytona Beach, Florida 32114; principal investor(s): Dick and Helen Lindholm, c/o The Trike Shop of Daytona, Inc., 410 North Beach Street, Daytona Beach, Florida 32114.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Maria Amaya, Controller, Thunder Mountain Custom Cycles, Inc., 5836 Wright Drive, Loveland, Colorado 80538.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Thunder Mountain Custom Cycles, Inc., intends to allow the establishment of Harley-Davidson of Palm Beach, as a dealership for the sale of Thunder Mountain Custom motorcycles, at 2955 45th Street, Palm Beach (Palm Beach County), Florida 33407, on or after September 26, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Harley-Davidson of Palm Beach are dealer operator: Mike Lehman, c/o Harley-Davidson of Palm Beach, 2955 45th Street, Palm Beach, Florida 33407; principal investor(s): Mike Lehman, c/o Harley-Davidson of Palm Beach, 2955 45th Street, Palm Beach, Florida 33407.

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: Maria Amaya, Controller, Thunder Mount Custom Cycles, Inc., 5836 Wright Drive, Loveland, Colorado 80538.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

NOTICE OF 2005-2006
 FLORIDA PREPAID COLLEGE PLAN
 ADVANCE PAYMENT CONTRACT PRICES

The Florida Prepaid College Board hereby gives notice of the adoption at a duly called meeting on September 14, 2005 of the 2005-2006 advance payment contract prices for the Florida Prepaid College Plan.

PREPAID PLAN TUITION CONTRACT
 STATE UNIVERSITY – FOUR YEARS
 PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2006	\$10,299.38	\$1,486.87	
11	2007	\$10,492.28	\$570.43	
10	2008	\$10,663.05	\$363.34	
9	2009	\$10,823.99	\$271.98	
8	2010	\$10,970.62	\$220.23	\$220.23
7	2011	\$11,082.14	\$186.75	\$222.47
6	2012	\$11,201.21	\$163.76	\$224.86
5	2013	\$11,314.64	\$146.95	\$225.66
4	2014	\$11,329.92	\$133.33	\$225.02
3	2015	\$11,279.29	\$122.19	\$224.01
2	2016	\$11,217.36	\$113.12	\$222.78
1	2017	\$11,148.52	\$105.64	\$221.41
K	2018	\$11,089.56	\$99.48	\$220.24
Age 4	2019	\$11,045.97	\$94.42	\$219.38
Age 3	2020	\$11,008.47	\$90.14	\$218.63
Age 2	2021	\$10,992.64	\$86.61	\$218.32
Age 1	2022	\$10,981.83	\$83.57	\$218.10
Infant	2023	\$10,984.88	\$81.02	\$218.16
Newborn	2024	\$11,001.79	\$78.87	\$218.50

PREPAID PLAN TUITION CONTRACT
 TWO YEAR COMMUNITY COLLEGE
 PLUS TWO YEARS STATE UNIVERSITY
 PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2006	\$8,912.92	\$1,286.72	
11	2007	\$9,063.90	\$492.77	
10	2008	\$9,193.22	\$313.26	
9	2009	\$9,306.92	\$233.86	
8	2010	\$9,411.14	\$188.20	\$188.20
7	2011	\$9,469.96	\$158.26	\$188.08
6	2012	\$9,444.04	\$137.34	\$187.56
5	2013	\$9,402.39	\$121.90	\$186.73
4	2014	\$9,343.40	\$109.95	\$185.56
3	2015	\$9,270.87	\$100.43	\$184.12
2	2016	\$9,191.66	\$92.70	\$182.55
1	2017	\$9,108.17	\$86.30	\$180.89
K	2018	\$9,034.91	\$81.05	\$179.44
Age 4	2019	\$8,977.88	\$76.74	\$178.30
Age 3	2020	\$8,923.90	\$73.07	\$177.23
Age 2	2021	\$8,885.78	\$70.01	\$176.47
Age 1	2022	\$8,854.27	\$67.38	\$175.85
Infant	2023	\$8,834.77	\$65.16	\$175.46
Newborn	2024	\$8,826.14	\$63.27	\$175.29

PREPAID PLAN TUITION CONTRACT
 COMMUNITY COLLEGE – TWO YEARS
 PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2006	\$3,660.90	\$526.40	
11	2007	\$3,723.09	\$200.63	
10	2008	\$3,764.65	\$126.76	
9	2009	\$3,785.45	\$93.92	
8	2010	\$3,788.89	\$75.25	\$75.25
7	2011	\$3,778.33	\$63.14	\$75.04
6	2012	\$3,756.75	\$54.63	\$74.61
5	2013	\$3,731.52	\$48.38	\$74.11
4	2014	\$3,700.77	\$43.55	\$73.50
3	2015	\$3,662.45	\$39.67	\$72.74
2	2016	\$3,616.93	\$36.48	\$71.83
1	2017	\$3,568.07	\$33.81	\$70.86
K	2018	\$3,520.07	\$31.58	\$69.91
Age 4	2019	\$3,472.00	\$29.68	\$68.95
Age 3	2020	\$3,430.26	\$28.09	\$68.13
Age 2	2021	\$3,399.02	\$26.78	\$67.51
Age 1	2022	\$3,366.08	\$25.62	\$66.85
Infant	2023	\$3,336.65	\$24.61	\$66.27
Newborn	2024	\$3,312.53	\$23.75	\$65.79

PREPAID PLAN TUITION CONTRACT
COMMUNITY COLLEGE – TWO YEARS
FOUNDATION SCHOLARSHIP PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2006	\$4,393.08	\$631.68	
11	2007	\$4,467.71	\$240.76	
10	2008	\$4,517.58	\$152.11	
9	2009	\$4,542.54	\$112.70	
8	2010	\$4,546.67	\$90.30	\$90.30
7	2011	\$4,534.00	\$75.77	\$90.05
6	2012	\$4,508.10	\$65.56	\$89.53
5	2013	\$4,477.83	\$58.05	\$88.93
4	2014	\$4,440.92	\$52.26	\$88.20
3	2015	\$4,394.94	\$47.61	\$87.28
2	2016	\$4,340.32	\$43.77	\$86.20
1	2017	\$4,281.69	\$40.57	\$85.04
K	2018	\$4,224.09	\$37.89	\$83.89
Age 4	2019	\$4,166.40	\$35.61	\$82.75
Age 3	2020	\$4,116.31	\$33.71	\$81.75
Age 2	2021	\$4,078.82	\$32.14	\$81.01
Age 1	2022	\$4,039.30	\$30.74	\$80.22
Infant	2023	\$4,003.98	\$29.53	\$79.52
Newborn	2024	\$3,975.04	\$28.50	\$78.95

PREPAID PLAN LOCAL FEE CONTRACT
TWO YEAR COMMUNITY COLLEGE
PLUS TWO YEAR STATE UNIVERSITY
PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2006	\$1,857.55	\$268.17	
11	2007	\$1,884.77	\$102.47	
10	2008	\$1,906.12	\$64.95	
9	2009	\$1,920.19	\$47.80	
8	2010	\$1,918.08	\$38.09	\$38.09
7	2011	\$1,906.61	\$31.86	\$37.87
6	2012	\$1,891.80	\$27.51	\$37.57
5	2013	\$1,873.51	\$24.29	\$37.21
4	2014	\$1,851.70	\$21.79	\$36.78
3	2015	\$1,827.80	\$19.80	\$36.30
2	2016	\$1,803.56	\$18.19	\$35.82
1	2017	\$1,778.98	\$16.86	\$35.33
K	2018	\$1,757.11	\$15.76	\$34.90
Age 4	2019	\$1,739.59	\$14.87	\$34.55
Age 3	2020	\$1,721.97	\$14.10	\$34.20
Age 2	2021	\$1,706.79	\$13.45	\$33.90
Age 1	2022	\$1,693.67	\$12.89	\$33.64
Infant	2023	\$1,683.03	\$12.41	\$33.43
Newborn	2024	\$1,674.34	\$12.00	\$33.25

PREPAID PLAN LOCAL FEE CONTRACT
STATE UNIVERSITY – FOUR YEARS
PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2006	\$3,029.21	\$437.31	
11	2007	\$3,071.43	\$166.98	
10	2008	\$3,106.80	\$105.55	
9	2009	\$3,138.93	\$77.88	
8	2010	\$3,131.54	\$62.19	\$62.19
7	2011	\$3,116.69	\$52.08	\$61.90
6	2012	\$3,094.97	\$45.01	\$61.47
5	2013	\$3,068.60	\$39.78	\$60.94
4	2014	\$3,036.94	\$35.74	\$60.31
3	2015	\$3,000.76	\$32.51	\$59.60
2	2016	\$2,961.95	\$29.87	\$58.83
1	2017	\$2,921.73	\$27.68	\$58.03
K	2018	\$2,884.48	\$25.88	\$57.29
Age 4	2019	\$2,851.57	\$24.37	\$56.63
Age 3	2020	\$2,820.57	\$23.10	\$56.02
Age 2	2021	\$2,795.39	\$22.02	\$55.52
Age 1	2022	\$2,771.72	\$21.09	\$55.05
Infant	2023	\$2,751.66	\$20.29	\$54.65
Newborn	2024	\$2,735.24	\$19.61	\$54.32

PREPAID PLAN LOCAL FEE CONTRACT
COMMUNITY COLLEGE – TWO YEAR
PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2006	\$324.63	\$46.87	
11	2007	\$328.79	\$17.88	
10	2008	\$332.67	\$11.34	
9	2009	\$337.68	\$8.48	
8	2010	\$341.47	\$6.85	\$6.85
7	2011	\$343.44	\$5.79	\$6.89
6	2012	\$345.65	\$5.05	\$6.94
5	2013	\$347.40	\$4.51	\$6.97
4	2014	\$349.34	\$4.10	\$6.96
3	2015	\$347.00	\$3.76	\$6.89
2	2016	\$342.68	\$3.45	\$6.80
1	2017	\$338.06	\$3.20	\$6.71
K	2018	\$333.51	\$2.99	\$6.62
Age 4	2019	\$328.95	\$2.81	\$6.53
Age 3	2020	\$325.00	\$2.66	\$6.45
Age 2	2021	\$322.04	\$2.53	\$6.40
Age 1	2022	\$318.92	\$2.42	\$6.33
Infant	2023	\$316.13	\$2.33	\$6.28
Newborn	2024	\$313.84	\$2.24	\$6.23

PREPAID PLAN LOCAL FEE CONTRACT
COMMUNITY COLLEGE – TWO YEAR
FOUNDATION SCHOLARSHIP PRICE SCHEDULE

PREPAID PLAN DORMITORY CONTRACT
TWO YEARS
PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan	Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2006	\$389.56	\$56.24		12	2006	\$7,800.67	\$1,126.15	
11	2007	\$394.55	\$21.45		11	2007	\$7,900.55	\$429.53	
10	2008	\$399.21	\$13.60		10	2008	\$7,993.89	\$272.39	
9	2009	\$405.21	\$10.18		9	2009	\$8,114.16	\$203.89	
8	2010	\$409.76	\$8.23	\$8.23	8	2010	\$8,205.23	\$164.72	\$164.72
7	2011	\$412.12	\$6.94	\$8.27	7	2011	\$8,252.50	\$138.48	\$164.57
6	2012	\$414.77	\$6.06	\$8.33	6	2012	\$8,238.99	\$119.81	\$163.63
5	2013	\$416.89	\$5.41	\$8.37	5	2013	\$8,183.65	\$106.10	\$162.53
4	2014	\$419.21	\$4.92	\$8.36	4	2014	\$8,116.20	\$95.51	\$161.19
3	2015	\$416.39	\$4.51	\$8.27	3	2015	\$8,032.17	\$87.01	\$159.52
2	2016	\$411.22	\$4.14	\$8.17	2	2016	\$7,932.35	\$80.00	\$157.54
1	2017	\$405.67	\$3.84	\$8.05	1	2017	\$7,825.20	\$74.15	\$155.41
K	2018	\$400.21	\$3.59	\$7.94	K	2018	\$7,719.92	\$69.25	\$153.32
Age 4	2019	\$394.74	\$3.37	\$7.84	Age 4	2019	\$7,614.49	\$65.09	\$151.23
Age 3	2020	\$390.00	\$3.19	\$7.74	Age 3	2020	\$7,522.95	\$61.60	\$149.41
Age 2	2021	\$386.45	\$3.04	\$7.67	Age 2	2021	\$7,454.44	\$58.73	\$148.05
Age 1	2022	\$382.70	\$2.90	\$7.60	Age 1	2022	\$7,382.21	\$56.18	\$146.61
Infant	2023	\$379.35	\$2.80	\$7.53	Infant	2023	\$7,317.66	\$53.97	\$145.33
Newborn	2024	\$376.61	\$2.69	\$7.47	Newborn	2024	\$7,264.77	\$52.08	\$144.28

PREPAID PLAN DORMITORY CONTRACT
ONE YEAR
PRICE SCHEDULE

PREPAID PLAN DORMITORY CONTRACT
THREE YEARS
PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan	Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2006	\$3,873.98	\$559.27		12	2006	\$11,774.53	\$1,699.83	
11	2007	\$3,926.70	\$213.48		11	2007	\$11,920.58	\$648.08	
10	2008	\$3,973.86	\$135.41		10	2008	\$12,088.02	\$411.90	
9	2009	\$4,020.03	\$101.01		9	2009	\$12,225.26	\$307.19	
8	2010	\$4,094.13	\$82.19	\$82.19	8	2010	\$12,346.64	\$247.11	\$247.11
7	2011	\$4,111.10	\$69.28	\$82.49	7	2011	\$12,392.30	\$207.09	\$246.11
6	2012	\$4,133.01	\$60.10	\$82.08	6	2012	\$12,316.66	\$179.11	\$244.61
5	2013	\$4,105.98	\$53.23	\$81.55	5	2013	\$12,222.18	\$158.45	\$242.74
4	2014	\$4,077.68	\$47.99	\$80.98	4	2014	\$12,109.84	\$142.51	\$240.51
3	2015	\$4,038.53	\$43.75	\$80.21	3	2015	\$11,970.88	\$129.68	\$237.75
2	2016	\$3,993.64	\$40.28	\$79.31	2	2016	\$11,818.84	\$119.19	\$234.73
1	2017	\$3,938.71	\$37.32	\$78.22	1	2017	\$11,658.63	\$110.47	\$231.54
K	2018	\$3,886.49	\$34.87	\$77.19	K	2018	\$11,500.98	\$103.17	\$228.41
Age 4	2019	\$3,833.44	\$32.77	\$76.13	Age 4	2019	\$11,356.39	\$97.07	\$225.54
Age 3	2020	\$3,781.06	\$30.96	\$75.09	Age 3	2020	\$11,235.50	\$92.00	\$223.14
Age 2	2021	\$3,741.89	\$29.48	\$74.32	Age 2	2021	\$11,124.10	\$87.64	\$220.93
Age 1	2022	\$3,712.54	\$28.25	\$73.73	Age 1	2022	\$11,030.20	\$83.94	\$219.06
Infant	2023	\$3,669.67	\$27.07	\$72.88	Infant	2023	\$10,934.44	\$80.65	\$217.16
Newborn	2024	\$3,647.99	\$26.15	\$72.45	Newborn	2024	\$10,871.31	\$77.93	\$215.91

PREPAID PLAN DORMITORY CONTRACT
FOUR YEARS
PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2006	\$15,794.56	\$2,280.19	
11	2007	\$16,014.72	\$870.66	
10	2008	\$16,199.12	\$551.98	
9	2009	\$16,366.67	\$411.25	
8	2010	\$16,510.84	\$328.66	\$328.66
7	2011	\$16,469.98	\$275.23	\$327.10
6	2012	\$16,355.19	\$237.84	\$324.82
5	2013	\$16,215.82	\$210.23	\$322.05
4	2014	\$16,048.55	\$188.86	\$318.73
3	2015	\$15,857.37	\$171.78	\$314.93
2	2016	\$15,652.27	\$157.85	\$310.86
1	2017	\$15,439.69	\$146.30	\$306.64
K	2018	\$15,242.88	\$136.74	\$302.73
Age 4	2019	\$15,068.93	\$128.80	\$299.27
Age 3	2020	\$14,905.16	\$122.05	\$296.02
Age 2	2021	\$14,772.10	\$116.39	\$293.38
Age 1	2022	\$14,646.98	\$111.47	\$290.89
Infant	2023	\$14,540.98	\$107.25	\$288.79
Newborn	2024	\$14,454.22	\$103.62	\$287.07

PREPAID PLAN DORMITORY CONTRACT
FIVE YEARS
PRICE SCHEDULE

Current Grade/Age	Projected Enrollment Year	Single Payment Plan	Monthly Payment Plan	5-Year (55 month) Installment Plan
12	2006	\$19,888.69	\$2,871.24	
11	2007	\$20,125.82	\$1,094.17	
10	2008	\$20,340.52	\$693.10	
9	2009	\$20,530.87	\$513.43	
8	2010	\$20,626.13	\$409.64	\$409.64
7	2011	\$20,508.50	\$342.72	\$407.30
6	2012	\$20,348.83	\$295.92	\$404.13
5	2013	\$20,154.53	\$261.29	\$400.27
4	2014	\$19,935.04	\$234.60	\$395.92
3	2015	\$19,690.80	\$213.31	\$391.07
2	2016	\$19,433.33	\$195.98	\$385.95
1	2017	\$19,181.59	\$181.75	\$380.95
K	2018	\$18,955.42	\$170.05	\$376.46
Age 4	2019	\$18,738.60	\$160.17	\$372.15
Age 3	2020	\$18,553.15	\$151.92	\$368.47
Age 2	2021	\$18,388.87	\$144.88	\$365.21
Age 1	2022	\$18,253.52	\$138.91	\$362.52
Infant	2023	\$18,123.89	\$133.67	\$359.95
Newborn	2024	\$18,033.14	\$129.27	\$358.14

NOTICE OF 2005-2006 CONTRACT FILING
AND PAYMENT DUE DATES FOR THE
FLORIDA PREPAID COLLEGE PLAN

The Florida Prepaid College Board hereby gives notice that the enrollment period and contract filing dates for the 2005-2006 year are as follows for the Florida Prepaid College Plan:

October 17, 2005 – Beginning of 2005-2006 enrollment period.

January 31, 2006 – Last day of 2005-2006 enrollment period.

March 31, 2006 – Last day of contract change period.

Purchasers of Florida Prepaid College Plan advance payment contracts must have their application postmarked on or before January 31, 2006. All applications must be submitted to the following address: Florida Prepaid College Board, P. O. Box 6448, Tallahassee, Florida 32314-6448.

Applications for the Florida Prepaid College Plan must include one of the following non-refundable application fees:

- \$80, if the application is for the Florida Prepaid College Plan and the Florida College Investment Plan.
- \$50, if the application is only for the Florida Prepaid College Plan.
- \$30, if the purchaser named on the application has a Florida College Investment Plan for the same beneficiary.

Payments for the Florida Prepaid College Plan

For Florida Prepaid College Plan applications received during the 2005-2006 enrollment period, payments may be made under any one of the following schedules:

- (a) Lump-sum payments due in full on April 20, 2006;
- (b) Monthly payments, beginning on April 20, 2006, and due on the 20th of each and every month thereafter until October of the anticipated enrollment year of the qualified beneficiary, as indicated on the application; or
- (c) Fifty-five (55) month payment option beginning on April 20, 2006, and due on the 20th of each and every month thereafter for 55 continuous months.

An implied interest rate of 4.86 percent (weighted average using spot yield curve based on the July 31, 2005 U.S. Treasury curve) for the purchasers of the Florida Prepaid College Plan advance payment contracts during the 2005-2006 enrollment period has been calculated for the installment payment plans indicated above.

Persons whose substantial interests are affected by the 2005-2006 notice on contract filing and payment due dates may request an administrative hearing within 21 days of publication of this notice pursuant to Chapter 120, F.S.

NOTICE OF 2005-2006
 MAXIMUM ACCOUNT BALANCE LIMIT
 FLORIDA PREPAID COLLEGE PLAN
 AND FLORIDA COLLEGE INVESTMENT PLAN

The Florida Prepaid College Board hereby gives notice that the maximum account balance limit for the Florida Prepaid College Plan and for the Florida College Investment Plan is \$287,000 for the period November 3, 2005 until November 2, 2006, or until subsequently revised by the Board. The redemption value of an advance payment contract under the Florida Prepaid College Plan, plus the account balance of an account in the Florida College Investment Plan, for the same beneficiary may not exceed the maximum account balance limit.

NOTICE OF 2005-2006
 ADMINISTRATIVE FEE FOR THE
 FLORIDA COLLEGE INVESTMENT PLAN

The Florida Prepaid College Board hereby gives notice that the administrative fee applicable to accounts in the Florida College Investment Plan is 3/4 of 1% (0.0075 or 75 basis points) of the account balance for the period November 3, 2005 until November 2, 2006, or until subsequently revised by the Board.

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED
 DECISIONS ON EXPEDITED APPLICATIONS

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for expedited review:

County: Lee Service District: 8
 CON#: 9865 Decision Date: 9/21/2005 Decision: D
 Facility/Project: The Lodge at Cypress Cove
 Applicant: Cypress Cove at HealthPark Florida, Inc.

Project Description: Delicense 27 sheltered skilled nursing beds and relicense 27 sheltered skilled nursing beds

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, F.A.C.

NOTICE OF HOSPICE PROGRAM FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-400.602, Florida Statutes (F.S.) and 408.031-408.045, F.S. Fixed need pool projections are for hospice programs planned for January 2007, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 24, 2005.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of the publication. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day period waives a person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., a request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Fort Knox Building Three, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Hospice Program Net Need

Service Area	Net Need	Service Area	Net Need
District 1	0	Subdistrict 5A	0
Subdistrict 2A	0	Subdistrict 5B	0
Subdistrict 2B	0	Subdistrict 6A	0
Subdistrict 3A	0	Subdistrict 6B	0
Subdistrict 3B	1	Subdistrict 6C	0
Subdistrict 3C	0	Subdistrict 7A	0
Subdistrict 3D	0	Subdistrict 7B	0
Subdistrict 3E	0	Subdistrict 7C	0
Subdistrict 4A	0	Subdistrict 8A	0
Subdistrict 4B	0	Subdistrict 8B	0

Service Area	Net Need	Service Area	Net Need
Subdistrict 8C	0	Subdistrict 9C	0
Subdistrict 8D	0	District 10	0
Subdistrict 9A	0	District 11	0
Subdistrict 9B	0	Total	1

**NOTICE OF PEDIATRIC CARDIAC
CATHETERIZATION PROGRAM
FIXED NEED POOL**

The Agency for Health Care Administration has projected a fixed need pool for open heart surgery programs for January 2008, pursuant to the provisions of Rules 59C-1.008 and 59C-1.033, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, M.S. 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 24, 2005.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Pediatric Cardiac Catheterization Program Net Need			
Net		Net	
Service Area	Need	Service Area	Need
1	0	4	0
2	0	5	0
3	0	Total	0

Purchase Order Number: xS5900J00496

**NOTICE OF OPEN HEART SURGERY PROGRAM
FIXED NEED POOL**

The Agency for Health Care Administration has projected a fixed need pool for open heart surgery programs for January 2008, pursuant to the provisions of Rules 59C-1.008 and 59C-1.033, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, M.S. 28, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 24, 2005.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Adult Open Heart Surgery Program Net Need

District	Net Need	District	Net Need
1	0	7	0
2	0	8	0
3	0	9	0
4	0	10	0
5	0	11	0
6	0	Total	0

Pediatric Open Heart Surgery Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

Purchase Order Number: x

**CERTIFICATE OF NEED
EXEMPTIONS**

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Dade District: 11
 ID # 050004 Decision: A Issue Date: 9/21/2005
 Facility/Project: South Florida Evaluation and Treatment Center
 Applicant: State of Florida
 Project Description: For beds in a state mental health forensic facility operated under Section 916.106(8), F.S.
 Proposed Project Cost: \$37,000,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

On September 22, 2005, M. Rony François, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Thomas Jessup Barks, R.N., A.R.N.P., C.R.N.A., license number RN 800252. 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), F.S. 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.

Section XIII
Index to Rules Filed During Preceding Week

The following rules were inadvertently omitted from the Index to Rules Filed During Preceding Week, Section XIII, for Vol. 31, No. 39, September 30, 2005:

RULES FILED BETWEEN September 19, 2005
 and September 23, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
DEPARTMENT OF TRANSPORTATION				
14-87.001	9/19/05	10/9/05	31/24	31/33
14-87.0011	9/19/05	10/9/05	31/24	31/33
14-87.0012	9/19/05	10/9/05	31/24	31/33
14-87.002	9/19/05	10/9/05	31/24	31/33

DEPARTMENT OF CORRECTIONS

33-103.003	9/19/05	10/9/05	31/33
33-601.307	9/22/05	10/12/05	31/33
33-601.722	9/22/05	10/12/05	31/33

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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LAND AND WATER ADJUDICATORY COMMISSION
Palm Coast Park Community Development District

42AAA-1.001	9/13/05	10/3/05	31/21
42AAA-1.002	9/13/05	10/3/05	31/21
42AAA-1.003	9/13/05	10/3/05	31/21

Section XIV
List of Rules Affected

This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.

- w – Signifies Withdrawal of Proposed Rule(s)
- c – Rule Challenge Filed
- v – Rule Declared Valid
- x – Rule Declared Invalid
- d – Rule Challenge Dismissed
- dw – Dismissed Upon Withdrawal

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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STATE

1B-24.002	26/43		
1S-2.0115	31/40		
1S-2.025	31/40		
1S-2.026	31/35		
1S-2.031	31/20	31/35	
1S-2.036	31/40		
1S-2.037	31/40		
1S-2.040	31/40		
IT-1.001	31/38		

BANKING AND FINANCE

3E-48.005	28/42		
3F-5.0015	29/39	29/45	
3F-5.0035	29/39	29/45	
3F-5.004	29/39	29/45	
3F-5.006	29/39	29/45	
3F-5.008	29/39	29/45	

INSURANCE

4-138.047	28/41		
4-149.203	29/52	30/3	
4-149.204	29/52	30/3	
4-149.205	29/52	30/3	
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33-601.307	31/33		31/40		31/12c		
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46-37.004	20/18	20/25		53-30.004	31/33		
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59A-8.003	31/6		31/37		31/17c		
59A-8.004	31/6	31/29	31/37	59B-15.005	31/10		
59A-8.008	31/6		31/37		31/17c		
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59A-13.009	31/37		31/39w	59E-5.102	31/26		31/36
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59A-13.013	31/37		31/39w	59E-5.205	31/26		31/36
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59B-7.023	19/30			59G-4.255	31/26		
59B-7.024	19/30			59G-4.330	31/30		
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59R-62.010	21/5				31/16c		
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62-341.491	31/21	31/29	31/35	64B5-2.0144	31/9		
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62-341.500	31/21	31/29	31/35	64B5-14.001	31/14		
62-341.900	31/21	31/29	31/35	64B5-14.005	31/14		
62-561.100	24/52			64B5-14.008	31/28		31/36
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62-730.050	23/7			64B6-1.016	28/52		
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62R-7.025	21/17			64B7-27.019	31/39		
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64B10-11.011	31/20		31/34	64B15-7.011	31/35		
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64B10-16.003	31/20		31/34	64B16-27.105	27/4	27/21	
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64B21-501.005	31/30		31/38	64F-11.004	31/18		
64B24-3.002	31/34			64F-11.005	31/18		
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64B32-3.001	31/23		31/36	64F-15.002	31/28		31/39
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64B32-3.003	31/23		31/36	64I-1.001	31/34		
64B32-3.005	26/6	26/16	31/36	64I-1.002	31/34		
		26/43	31/36	64V-1.0061	31/36		
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64B32-5.001	28/3	28/5					
64B32-5.003	31/24						
64B33-3.001	31/22		31/36				
64C-1.003	30/36c			65-1	30/6c		
64C-4.003	30/29	31/38			30/9c		
64C-13.018	24/22				30/15c		
64C-23.002	27/17			65-28.001	31/39		
64C-27.001	27/17			65A-1.203	31/20		
64C-27.002	27/17				31/27c		
64D-4.001	31/15			65A-1.205	31/16	31/23	31/38w
64D-4.002	31/15					31/30	31/38w
64D-4.003	31/15			65A-1.303	31/19		31/33
64D-4.004	31/15			65A-1.400	31/20		
64D-4.005	31/15				31/27c		
64D-4.006	31/15			65A-1.601	28/11	28/23	
64EER05-2			31/36			28/31	
64E-2.001	31/24	31/36				28/41	
64E-2.004	31/24	31/36		65A-1.603	31/19		31/33
64E-2.008	31/24	31/36		65A-1.606	31/19		31/33
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64E-2.009	31/24			65A-4.213	25/32		
64E-2.0094	31/24			65A-4.216	25/32		
64E-2.0095	31/24			65A-15.0095	26/4		
64E-2.010	31/24	31/36		65C-21.001	23/20		
64E-2.013	31/24			65C-22.007	29/9		
64E-6.007	25/48			65D-30.002	31/40		
64E-18.002	30/40	31/4	31/33	65D-30.003	31/40		
64E-18.003	30/40	31/4	31/33	65D-30.004	31/40		
64E-18.004	30/40		31/33	65D-30.0061	31/40		
64E-18.005	30/40		31/33	65D-30.0081	31/40		
64E-18.007	30/40	31/4	31/33	65D-30.011	31/40		
64E-18.008	30/40	31/4	31/33	65E-2.003	26/20	26/28	
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64E-18.010	30/40	31/27	31/33				

CHILDREN AND FAMILY SERVICES

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67ER05-2			31/28	69I-5.007	31/34		
67ER05-3			31/28	69I-5.008	31/34		
67ER05-4			31/28	69I-5.009	31/34		
67ER05-5			31/28	69I-5.010	31/34		
67ER05-6			31/28	69J-1.001	31/24		
67ER05-7			31/28	69J-1.002	31/24		
67ER05-8			31/29	69J-1.003	31/24		
67ER05-10			31/29	69J-1.004	31/24		
67ER05-11			31/29	69J-1.005	31/24		
67ER05-12			31/29	69J-1.006	31/24		
67ER05-13			31/29	69J-1.007	31/24		
67ER05-14			31/29	69J-1.008	31/24		
67ER05-15			31/29	69J-1.009	31/24		
67ER05-16			31/29	69J-1.010	31/24		
67ER05-17			31/29	69J-1.012	31/24		
67ER05-18			31/29	69J-1.013	31/24		
67ER05-19			31/29	69J-1.020	31/24		
67-4.032	29/9	29/45		69J-1.025	31/24		
67-18.005	28/42			69J-1.030	31/24		
67-21.019	24/46	24/46		69J-1.031	31/24		
67-32.009	24/28			69L-5.101(4)	31/14c		
67-48.002	30/39			69L-5.102(2)(b),(3)	31/14c		
FISH AND WILDLIFE CONSERVATION COMMISSION				69L-5.103(3)(a)	31/14c		
68A-23.005	30/1			69L-6.008	31/34		
68A-24.003	28/17			69L-6.014	31/34		
68A-24.004	28/17			69L-6.016	31/34		
68A-24.0055	30/1			69L-6.023	31/33		
68A-24.006	28/17			69L-6.029	31/40		
	30/1			69L-7.020	31/26		31/35
68A-24.009	30/1			69L-7.100	31/16	31/26	31/35
68B-13.008	27/31	26/13		69L-7.501	31/16		
68B-14.0035	31/34		31/38		31/25c		
68B-14.00355	31/34		31/38	69L-7.602	31/23		
68B-14.0036	31/34		31/38		31/24	31/30	
68B-14.0045	31/34		31/38			31/35	
68C-22.001	31/28			69L-7.603	31/34		
68C-22.005	31/2	31/29	31/36	69L-56.530	31/3		
68D-24.005	31/37			69M-1	29/52c		
68D-24.011	31/29			69N-121.003	31/37		
FINANCIAL SERVICES				69O-1	31/25c		31/37d
69ER05-9			31/29		31/37c		
69-1	30/42c				31/37c		
69A-62.001	29/44	29/46		69O-125.005	31/6		
69A-62.002	29/44	29/46			31/14c		
69BER05-8			31/21		31/26		
69BER05-9			31/29	69O-137.001	31/16		31/36
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69I-5.004	31/34			69O-138.002	31/34		
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69O-149.022	31/17	31/33			31/26		
69O-149.038	31/15		31/36		31/32c		
69O-149.041	30/51			69O-170.014	30/46	31/15	
69O-149.044	31/15		31/36		31/2c		
69O-154.112	31/15		31/36		31/26		
69O-156.002	31/13		31/36		31/32c		
69O-156.003	31/13		31/36	69O-170.0141	30/46	31/15	
69O-156.004	31/13		31/36		31/2c		
69O-156.005	31/13		31/36		31/26		
69O-156.006	31/13		31/36		31/32c		
69O-156.007	31/13		31/36	69O-170.0142	30/46	31/2	
69O-156.008	31/13		31/36		30/46	31/15	
69O-156.0095	31/13		31/36		31/2c		
69O-156.011	31/13		31/36		31/26		
69O-156.012	31/13		31/36		31/32c		
69O-156.014	31/13		31/36	69O-170.0143	30/46	31/2	
69O-156.015	31/13		31/36		31/26		
69O-156.017	31/13		31/36		31/32c		
69O-156.018	31/13		31/36	69O-170.0155	30/46	31/15	
69O-156.030	31/13		31/36		31/2c		
69O-167.009	31/21		31/36		31/26		
69O-170.003	31/13	31/19			31/32c		
69O-170.005	30/46	31/2		69O-171.002	31/14		31/36
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	31/26				31/13		
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69O-170.006	30/46				30/46	31/15	
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	31/26				31/26		
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69O-170.007	30/46	31/2		69O-186.003	31/22		
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	31/2c						
	31/26						
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