

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF STATE**

**Division of Library and Information Services**

RULE TITLE: Library Grant Programs  
 RULE NO.: 1B-2.011

PURPOSE AND EFFECT: The purpose of this amendment is to modify clauses in the grant agreement for the Community Libraries in Caring grant program.

SUBJECT AREA TO BE ADDRESSED: Grant agreement clauses for the Community Libraries in Caring grant program administered by the Division of Library and Information Services.

SPECIFIC AUTHORITY: 257.14, 257.15, 257.193 FS.

LAW IMPLEMENTED: 257.14, 257.15, 257.193 FS.

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

TIME AND DATE: 9:00 a.m., Wednesday, November 2, 2005

PLACE: Archives Conference Room, First Floor, State Library and Archives of Florida, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Judith A. Ring, Director, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, Suncom 205-6600

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLES: Special Programs for Students who are Deaf or Hard-of-Hearing  
 RULE NOS.: 6A-6.03013

Special Programs for Students who are Physically Impaired  
 6A-6.03015

Special Programs for Students who are Emotionally Handicapped  
 6A-6.03016

Special Programs for Students who are Autistic  
 6A-6.03023

PURPOSE AND EFFECT: The purpose of the rule development is to incorporate the revisions required for programs for students with disabilities by the amendments to the federal law, the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. Chapter 33, and its implementing regulations and to update rule language to reflect current

knowledge in the field. The effect of the development of amendments will be consistency with the federal requirements and current knowledge in the respective fields.

SUBJECT AREA TO BE ADDRESSED: Federal and state requirements for programs for students with disabilities who are identified as emotionally handicapped, deaf or hard-of-hearing, autistic, and physically impaired. Definition, procedures for referral, procedures for student evaluation, criteria for eligibility, re-evaluation, and instructional program.

SPECIFIC AUTHORITY: 1001.02(1), 1003.57(5) FS.

LAW IMPLEMENTED: 1001.03, 1003.57(5), 1003.01(3), 1011.62(1)(c) FS., Individuals with Disabilities Education Act 20, U.S.C. Chapter 33

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, November 1, 2005

PLACE: Panhandle Area Educational Consortium (PAEC), 753 W. Boulevard, Chipley, FL 32428, (850)638-6131; and Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)315-1323

TIME AND DATE: 9:00 a.m. – 12:00 Noon, November 2, 2005

PLACE: Doubletree Hotel, 3050 N. Rocky Point Dr., Tampa, FL 33607, (813)739-8805

TIME AND DATE: 12:00 Noon – 3:00 p.m., November 2, 2005

PLACE: Best Western Gateway, 4200 N. W. 97th Blvd., Gainesville, FL 32606, (352)331-3336

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Bambi J. Lockman, Chief, Bureau of Exceptional Education and Student Services, Florida Department of Education, 325 West Gaines Street, Room 601, Tallahassee, Florida 32399-0400, (850)245-0475

Copies will be available at the rule development workshop. Written comment following the workshops will be accepted through close of business on December 2, 2005.

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

**DEPARTMENT OF EDUCATION**

**Education Practices Commission**

RULE TITLE: Instructional Personnel Assessment Systems  
 RULE NO.: 6B-4.010

PURPOSE AND EFFECT: The purpose of the rule development is to review current practices and requirements for district instructional personnel assessment systems to determine what amendments should be proposed. The effect of the amendment will be; the development of district-based assessment systems that fulfill statutory requirements for assessment and performance-based pay.

SUBJECT AREA TO BE ADDRESSED: Instructional personnel assessment systems.

SPECIFIC AUTHORITY: 1012.22, 1012.34 FS.

LAW IMPLEMENTED: 1012.22, 1012.34 FS.

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

TIME AND DATE: 4:00 p.m. – 6:00 p.m., November 8, 2005

PLACE: 325 West Gaines Street, Room 1703/07, Turlington Building, Tallahassee, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., November 16, 2005

PLACE: Broward Community College, Central Campus, President’s Dining Room, Building 19, Room 126, 3501 S. W. Davie Road, Davie, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., November 17, 2005

PLACE: Seminole Community College, Board Room, A-200, 100 Weldon Boulevard, Sanford, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam Stewart, Deputy Chancellor, Educator Quality, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400

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

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Contractors – Highway – Qualification to Bid  
RULE CHAPTER NO.: 14-22

RULE TITLES: Current Capacity Rating 14-22.006  
Over-Bidding 14-22.009  
Forms 14-22.015

PURPOSE AND EFFECT: This amendment incorporates a revised version of Form 375-020-22, Certification of Current Capacity and deletes 375-020-21 Status of Contracts on Hand, which becomes page two of the revised version of Form 375-020-22.

SUBJECT AREA TO BE ADDRESSED: This amendment incorporates a revised version of Form 375-020-22, Certification of Current Capacity, which includes the Status of Contracts on Hand as page two instead of being a separate form.

SPECIFIC AUTHORITY: 334.044(2), 337.14(1), 337.167(2) FS.

LAW IMPLEMENTED: 337.14, 337.16, 337.164, 337.165, 337.167 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-22.006 Current Capacity Rating.

(1) No change.

(2) In determining the Current Capacity of a prospective bidder, the deduction for uncompleted work shall include work subcontracted from others. The bidder will be given credit for work sublet to others; provided, for contracts with the Department, the request for authorization to sublet the work has been approved in writing. The Department, in determining the bidder’s eligibility to be issued a bid proposal, will decrease a bidder’s uncompleted work by deducting ten percent per month from the “Status of Contracts on Hand” report in the Certification of Current Capacity form submitted with the bidder’s most recent bid or the uncompleted work listed in the bidders’s Application for Qualification, whichever is most current, which will increase the Current Capacity accordingly.

(3) In order for the Department to have the information required to determine a bidder’s Current Capacity, it is necessary that the bidder submit on the day of the letting, a Certification of Current Capacity, Form 375-020-22, Rev. ~~05/05 08/00~~, that shall be executed under oath ~~and be accompanied and supported by a Status of Contracts on Hand, Form 375-020-21, Rev. 10/93, report.~~ This form ~~These documents~~ must be included in at least one bid proposal for each letting bid upon that the bidder submits bids. Failure to submit ~~this~~ these documents may result in a determination that all bids submitted by the bidder for that letting are non-responsive or irregular and not to be considered. The Department shall include the Certification of Current Capacity, Form 375-020-22, Rev. ~~05/05 08/00~~, ~~and the Status of Contracts on Hand, Form 375-020-21, Rev. 10/93~~, with the proposal documents issued to the bidder.

(4) In preparing the Certification of Current Capacity, Form 375-020-22, Rev. ~~05/05 08/00~~, ~~and Status of Contracts on Hand, Form 375-020-21, Rev. 10/93, reports~~, the following shall apply:

(a) If the letting is not later than the 25th day of the month, the certification and report shall reflect the uncompleted work as of the 15th day of the month preceding the month of the letting.

(b) If the letting is after the 25th day of the month, the certificate and report shall reflect the uncompleted work in progress as of the 15th day of the month of the letting.

(c) In determining a bidder's Current Capacity, any projects in a prior letting pending award by the Department to such bidder also shall be debited against the bidder's Current Capacity unless the award is to be delayed for an indefinite period of time. Further, no credit shall be given for proposed subcontracting of any work included in such proposal pending award.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a)1.-3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.164 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 7-24-75, Formerly 14-22.01(8), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.06, Amended 12-20-89, 6-27-90, 1-4-94, 7-1-95, 7-2-95, \_\_\_\_\_.

14-22.009 Over-Bidding.

(1) through (2) No change.

(3) Before the Department takes action under the provisions of either of the preceding two paragraphs, the bidder shall be notified in writing of the Department's action and, except for the AF provisions of Rule subparagraph 14-22.003(2)(a)2.a., above, shall be allowed a period of 10 days from the date the bid was opened to submit a Certification of Current Capacity ~~current Status of Contracts on Hand~~ form.

(4) No change.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a)1.-3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.165 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, Formerly 14-22.09, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01, \_\_\_\_\_.

14-22.015 Forms.

The following forms are incorporated by reference as part of the rules of the Department and are available from the Contracts Administration Office, 605 Suwannee Street, Mail Station 55, Room 1-B, Tallahassee, Florida 32399-0455:

Form Number	Date	Title
375-020-32	12/98	Application for Qualification
<del>375-020-21</del>	<del>10/93</del>	<del>Status of Contracts on Hand</del>
375-020-22	<u>05/05</u> <del>08/00</del>	Certification of Current Capacity
700-010-25	03/01	Contractor Past Performance Report

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.53(1)(b), 337.14, 337.167 FS. History—New 11-10-82, Amended 8-25-83, Formerly 14-22.15, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01, \_\_\_\_\_.

**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 CHAPTER TITLE: Standards for Processed  
Citrus Products

RULE CHAPTER NO.: 20-64

RULE TITLE: Florida Quality Systems Certification Program  
for Finished Product Inspection

RULE NO.: 20-64.025

PURPOSE AND EFFECT: New rule prescribing the Florida Quality Systems Certification Program for Finished Product allowing approved Florida citrus processors to qualify for an additional alternative audit-based inspection process.

SUBJECT AREA TO BE ADDRESSED: Provides Florida citrus processors an additional alternative audit-based inspection process in order to bring down the cost of finished product inspection.

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.24, 601.27, 601.49, 601.51 FS.

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

TIME AND DATE: 1:30 p.m., October 25, 2005

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Designating Grade on Container,  
Registration of Labels for Grade, and  
Notice of Labeling – Processed Products

RULE CHAPTER NO.: 20-70

RULE TITLE: Notice Required

RULE NO.: 20-70.006

PURPOSE AND EFFECT: Amendment exempting participants in the Florida Quality Systems Certification Program from the rule requiring notice.

SUBJECT AREA TO BE ADDRESSED: Exempting participants in the Florida Quality Systems Certification Program from the rule requiring notice.

SPECIFIC AUTHORITY: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.11, 601.48 FS.

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

TIME AND DATE: 1:30 p.m., October 25, 2005  
 PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Manifests for Processed Products  
 RULE TITLE: Manifest Requirements and Statements for Transports of Processed Citrus Products  
 PURPOSE AND EFFECT: Amendment exempting participants in the Florida Quality Systems Certification Program from the rule requiring notice.  
 SUBJECT AREA TO BE ADDRESSED: Exempting participants in the Florida Quality Systems Certification Program from the rule requiring notice.  
 SPECIFIC AUTHORITY: 601.10(1),(7), 601.11, 601.49, 601.51 FS.  
 LAW IMPLEMENTED: 601.10(7), 601.11, 601.49, 601.52 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 1:30 p.m., October 25, 2005  
 PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Certificate of Grade Inspection – Processed Products  
 RULE TITLE: Hours of Inspection  
 PURPOSE AND EFFECT: Amendment exempting participants in the Florida Quality Systems Certification Program from the rule requiring notice.  
 SUBJECT AREA TO BE ADDRESSED: Exempting participants in the Florida Quality Systems Certification Program from the rule requiring notice.  
 SPECIFIC AUTHORITY: 601.10(1),(7), 601.11, 601.49, 601.51 FS.  
 LAW IMPLEMENTED: 601.10(7), 601.11, 601.49, 601.52 FS.

PURPOSE AND EFFECT: Amendment incorporating the Florida Quality Systems Certification Program for Finished Product in the rule governing hours of inspection.  
 SUBJECT AREA TO BE ADDRESSED: Incorporating the Florida Quality Systems Certification Program for Finished Product in the rule governing hours of inspection.  
 SPECIFIC AUTHORITY: 601.10(1),(7) FS.  
 LAW IMPLEMENTED: 601.02(4),(5), 601.10(7), 601.27, 601.31 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 1:30 p.m., October 25, 2005  
 PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Certificate of Grade Inspection – Processed Products  
 RULE TITLE: Form of Certificate of Grade Inspection  
 PURPOSE AND EFFECT: Amendment clarifying Department of Agriculture.  
 SUBJECT AREA TO BE ADDRESSED: Amendment clarifying Department of Agriculture.  
 SPECIFIC AUTHORITY: 601.10(1), 601.9901 FS.  
 LAW IMPLEMENTED: 601.9901 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 1:30 p.m., October 25, 2005  
 PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Certificate of Grade Inspection – Processed Products

RULE CHAPTER NO.: 20-72

RULE TITLE: Issuance of Certificates Under FQSC Program

RULE NO.: 20-72.010

PURPOSE AND EFFECT: New rule prescribing the issuance of certificates under the Florida Quality Systems Certification Program.

SUBJECT AREA TO BE ADDRESSED: Prescribing the issuance of certificates under the Florida Quality Systems Certification Program.

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11 FS.

LAW IMPLEMENTED: 601.27 FS.

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

TIME AND DATE: 1:30 p.m., October 25, 2005

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

**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 establish minimum flows and levels for the freshwater segment of the Alafia River pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum flows and levels for the freshwater segment of the Alafia River in Hillsborough 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: 6:00 p.m., Tuesday, November 1, 2005

PLACE: Tampa Service Office, Southwest Florida Water Management District, 7601 Highway 301 North, Tampa, Florida 33637-6759

WHAT: Public workshop on proposed minimum flows and levels for the freshwater segment of the Alafia River in Hillsborough 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, IF AVAILABLE, IS: Martin Kelly, Manager, Ecologic Evaluation Section, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4235

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

**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 Fort Cooper Lake and the Floral City Pool (Floral City Lake, Hampton Lake, Tussock Lake) of Tsala Apopka Lake in Citrus County and Lake Marion in Levy 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:

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

PLACE: Southwest Florida Water Management District, Brooksville Headquarters, 2379 Broad Street, Brooksville, FL 34604-6899

WHAT: Public workshop on proposed minimum lake levels and guidance levels for Fort Cooper Lake and the Floral City Pool (Floral City Lake, Hampton Lake, Tussock Lake) of Tsala Apopka Lake in Citrus County and Lake Marion in Levy 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 AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

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

**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 the Inverness Pool (Davis Lake, Spivey Lake, Henderson Lake, Little Henderson Lake) and Hernando Pool (Point Lonesome Lake, Van Ness Lake, Croft Lake, Hernando Lake, Todd Lake, Bellamy Lake, Dodd Lake) of the Tsala Apopka Lake in Citrus 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: 6:00 p.m., Thursday, November 3, 2005

PLACE: Southwest Florida Water Management District, Brooksville Headquarters, 2379 Broad Street, Brooksville, FL 34604-6899

WHAT: Public workshop on proposed minimum lake levels and guidance levels for the Inverness Pool (Davis Lake, Spivey Lake, Henderson Lake, Little Henderson Lake) and Hernando Pool (Point Lonesome Lake, Van Ness Lake, Croft Lake, Hernando Lake, Todd Lake, Bellamy Lake, Dodd Lake) of the Tsala Apopka Lake in Citrus 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 AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

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

**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 establish minimum flows and levels for the upper Myakka River pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum flows and levels for the upper Myakka River in Manatee and Sarasota Counties, 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: 6:00 p.m., Monday, November 7, 2005

PLACE: Sarasota Service Office, Southwest Florida Water Management District, 6750 Fruitville Road, Sarasota, FL 34240-9711

WHAT: Public workshop on proposed minimum flows and levels for the upper Myakka River in Manatee and Sarasota Counties, 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, IF AVAILABLE, IS: Martin Kelly, Manager, Ecologic Evaluation Section, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4235

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

**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, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Lakes Allen, Harvey and Virginia in Hillsborough 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: 6:00 p.m., Monday, November 7, 2005

PLACE: Southwest Florida Water Management District, Tampa Service Office, 7601 U.S. Highway 301, Tampa, Florida 33637-6759

WHAT: Public workshop on proposed minimum lake levels and guidance levels for Lakes Allen, Harvey and Virginia in Hillsborough 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, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

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

**LAND AND WATER ADJUDICATORY COMMISSION**

**Arborwood Community Development District**

RULE CHAPTER TITLE: Arborwood Community Development District  
 RULE CHAPTER NO.: 42RR-1

RULE TITLE: Boundary  
 RULE NO.: 42RR-1.002

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule amendment is to expand the boundaries of the Arborwood Community Development District (“CDD”), pursuant to Chapter 190, F.S. The Petition was filed by the Arborwood Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition proposes to amend the land area presently serviced by the District by adding approximately 12.28 acres. The District currently covers approximately 2,466.85 acres of land and after expansion the District will encompass approximately 2,479.13 acres. Approximately 4.74 acres of the expansion parcel is owned by Lee County and is right-of-way for Treeline Avenue. The remaining 7.54 acres of the expansion parcel is currently owned by Worthington Holdings Southwest, LLC, and consists of developable land. Petitioner has obtained consent to include the 7.54 acres expansion parcel within the boundary of the District from the current owner, Worthington Holdings Southwest, LLC. As to the consent to include the 4.74 acres expansion parcel owned by Lee County, the Petitioner is not required to obtain the consent of Lee County. Lee County is a governmental entity and therefore not included within the

definition of landowner. However, the Petitioner has notified Lee County of its intent to expand the boundaries of the District. On June 14, 2005, Lee County adopted Resolution 05-06-14 supporting the amendment of the boundary of the District. Pursuant to Section 190.046(1)(e), F.S., the filing of the Petition for expansion by the District Board of Supervisors constitutes consent of the landowners within the District. On June 6, 2005, the City of Fort Myers adopted Resolution 2005-28 supporting the petition to amend the District’s boundary.

SUBJECT AREA TO BE ADDRESSED: Expansion of the boundaries of the Arborwood Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 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 (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., Tuesday, November 1, 2005

PLACE: Room 1703G, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan T. Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314-6526, (850)222-7500 or Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE CHAPTER TITLE: Health Care Clinics  
 RULE CHAPTER NO.: 59A-33

PURPOSE AND EFFECT: The Agency proposes to adopt new rules, Chapter 59A-33, F.A.C., consistent with provisions of the Health Care Clinic Act that created Section 400.9925, F.S. That statutory section was effective October 1, 2003, and requires the development of rules necessary to administer the health care clinic administration, regulation, and licensure program.

SUBJECT AREA TO BE ADDRESSED: The proposed initial Rule Ch. 59A-33, Florida Administrative Code, includes administration and regulation of the health care clinic licensure program, medical and clinic directors, survey, Magnetic Resonance Imaging (MRI), background screening, certificates

of exemption, change of ownership, financial instability, cessation of business and medical records, rules establishing the specific licensure requirements, procedures, forms, policies, fees, procedures for biennial licensure, expiration dates for licenses, financial responsibility requirements and other conditions of renewal of licenses.

SPECIFIC AUTHORITY: 400.9925 FS.

LAW IMPLEMENTED: 400.990-.995 FS.

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

TIME AND DATE: 10:00 a.m., November 1, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Roger Bell, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS 53, Tallahassee, Florida 32308-5407, (850)488-1365, e-mail: bellr@ahca.myflorida.com

The Preliminary text is available at the address link, 2005 Proposed Rules at [http://www.fdhc.state.fl.us/MCHQ/Health\\_Facility\\_Regulation/HealthCareClinic/index.shtml](http://www.fdhc.state.fl.us/MCHQ/Health_Facility_Regulation/HealthCareClinic/index.shtml).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE CHAPTER TITLE: Florida Clean Indoor Air Act and

RULE CHAPTER NO.:

Stand-Alone Bar Smoking Designations 61A-7

RULE TITLE: Triennial Renewal Requirements

RULE NO.:

61A-7.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement statutory provisions relating to the Florida Clean Indoor Air Act and stand-alone bars.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to the Florida Clean Indoor Air Act.

SPECIFIC AUTHORITY: 386.2125, 561.695(9) FS.

LAW IMPLEMENTED: 386.203(11), 561.695(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Renee Alsobrook, Chief Attorney, Department of Business and Professional

Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61A-7.005 Triennial Renewal Requirements.

Every third year after the initial designation, on or before the licensee’s annual beverage license renewal, in order to renew the designation, a licensed vendor holding an “ssf” designation shall provide to the division an Agreed Upon Procedures Report, prepared by a Florida certified public accountant, on DBPR Form ABT 4000A-400 and containing the license name, license number, physical location address, the owner of the license and the period of the report, along with the CPA company name, accountant name, ~~and signature~~ and the accountant’s license number with date of expiration, and the vendors signature. DBPR Form ABT 400A-400, herein incorporated by this reference, effective 2-15-05, may be obtained by writing the division at 1940 North Monroe Street, Tallahassee, FL 32399-1022 or may be downloaded from the internet at <http://www.state.fl.us/dbpr/abt/forms/index.shtml>.

The report must:

(1) Provide the actual percentage of food sales for consumption on premises calculated pursuant to subsection (3) of this rule; and

(2) Provide information for the preceding 36-month period from the renewal date; and

(3) Provide the total gross sales revenue for each year, with a total for the 3-year period, as well as the total gross sales revenue from food for consumption on premises for each year and a total for the 3-year period, and the percentage of food sales for consumption on premises to total revenue for each year and for the 3-year period.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(6) FS. History—New 6-14-05, Amended.

**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 Dentistry**

RULE TITLE: Selection of Examiners

RULE NO.: 64B5-2.020

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

SUBJECT AREA TO BE ADDRESSED: Selection of Examiners.



SPECIFIC AUTHORITY: 456.017(1)(b), 466.004(3) FS.  
 LAW IMPLEMENTED: 456.017(1)(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: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Retired Status and Reactivation of Retired Status License  
 RULE NO.: 64B5-10.011  
 PURPOSE AND EFFECT: The Board proposes the development of this rule to address retired status licenses in order to implement Section 456.036, F.S., 2005 and other laws.  
 SUBJECT AREA TO BE ADDRESSED: Retired Status and Reactivation of Retired Status License.  
 SPECIFIC AUTHORITY: 456.036 FS.  
 LAW IMPLEMENTED: 456.036 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Continuing Education Requirements  
 RULE NO.: 64B5-12.013  
 PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.  
 SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements.  
 SPECIFIC AUTHORITY: 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017 FS.  
 LAW IMPLEMENTED: 456.013(8), 456.031, 466.0135, 466.014, 466.017, 466.028(1)(i),(bb) 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: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE CHAPTER TITLE: Fee Schedule  
 RULE CHAPTER NO.: 64B5-15  
 PURPOSE AND EFFECT: The Board proposes the development of rule amendments and new rules to address retired status licenses and other issues in order to implement Section 456.036, F.S., 2005 and other laws.  
 SUBJECT AREA TO BE ADDRESSED: Fee Schedule.  
 SPECIFIC AUTHORITY: 456.013, 456.017(2), 456.023, 456.025(4), 456.036, 466.004, 466.006(1), 466.007(1), 466.013, 466.015, 466.017 FS.  
 LAW IMPLEMENTED: 456.013, 456.017(2), 456.023, 456.025, 456.036, 466.006(1), 466.007(1), 466.009(1), 466.013, 466.015, 466.017 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: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Remediable Tasks Delegable to a Dental Hygienist  
 RULE NO.: 64B5-16.006  
 PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.  
 SUBJECT AREA TO BE ADDRESSED: Remediable Tasks Delegable to a Dental Hygienist.  
 SPECIFIC AUTHORITY: 466.004, 466.023, 466.024 FS.  
 LAW IMPLEMENTED: 466.023, 466.024 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: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Inactive, Delinquent and Retired Status Fees  
 RULE NO.: 64B8-3.004

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the fee for those licensees electing retired status.

SUBJECT AREA TO BE ADDRESSED: Retired Status Fees.

SPECIFIC AUTHORITY: 456.036, 458.309 FS.

LAW IMPLEMENTED: 456.036, 458.3145, 458.316, 458.3165, 458.345 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 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 Medicine**

RULE TITLE: Applications  
 RULE NO.: 64B8-4.009

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the requirements for HIV/AIDS course requirement.

SUBJECT AREA TO BE ADDRESSED: The application requirements with regard to the HIV/AIDS course.

SPECIFIC AUTHORITY: 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS.

LAW IMPLEMENTED: 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-4.009 Applications.

(1) through (7) No change.

(8) The applicant must submit statements attesting to the following:

(a) Completion of three hours of ~~all Category I, American Medical Association~~ Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. This continuing medical education shall be approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(b) through (c) No change.

(9) No change.

Specific Authority 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS. Law Implemented 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History—New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, 5-10-04, 5-20-04, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLES: Disciplinary Guidelines  
 Citation Authority  
 RULE NOS.: 64B8-8.001  
 64B8-8.017

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes in the disciplinary guidelines and changes in the citation rule.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines and citations.

SPECIFIC AUTHORITY: 456.077, 458.309 FS.  
 LAW IMPLEMENTED: 456.072(2)(d), 456.077 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.001 Disciplinary Guidelines.  
 (1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., 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 verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

RECOMMENDED RANGE OF PENALTY

VIOLATION	FIRST OFFENSE	SECOND OFFENSE
(a) through (w) No change.		
(x)1. Violation of law, rule or failure to comply with subpoena. (458.331(1)( <del>nm</del> ), F.S.) (456.072(1)(b),(q), F.S.)	(x)1. For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00.	(x)1. From probation to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.
2. Violation of an order of the Board. (458.331(1)(x), F.S.)	2. Reprimand and an administrative fine from \$5,000.00 to \$10,000.00, to revocation or denial based upon the severity of the offense and the potential for patient harm.	2. From suspension and a \$10,000.00 fine or denial to revocation.
(y) through (ss) No change.		

(3) through (7) No change.

Specific Authority 456.0375(4)(c), 456.0575, 456.079, 458.309, 458.331(5) FS. Law Implemented 456.0375(4)(c), 456.0575, 456.072, 456.079, 458.331(5) FS. History—New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02, 9-10-02, 12-11-02, 8-20-03, 6-7-04, 8-17-04, \_\_\_\_\_.

64B8-8.017 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) CME violations. (Sections 458.321, 458.331(1)(g),(x), 456.072(1)(e),(s), F.S.)	Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND
1. Failure to document required HIV/AIDS and related infections of TB CME.	\$250 \$500 fine
2. Failure to document required domestic violence CME.	\$250 \$500 fine
3. Failure to document required medical errors CME.	\$250 \$500 fine
4. Failure to document required HIV/AIDS and related infections of TB and failure to document domestic violence and medical errors CME.	\$500 \$1,000 fine
5. No change.	
(b) through (p) No change.	
(4) through (5) No change.	

Specific Authority 456.077, 458.309 FS. Law Implemented 456.072(2)(d), 456.077 FS. History—New 12-20-91, Formerly 21M-20.017, Amended 11-4-93, Formerly 61F6-20.017, Amended 8-23-95, Formerly 59R-8.017, Amended 4-7-99, 1-27-00, 1-31-02, 1-12-03, 7-24-04, 2-7-05, \_\_\_\_\_.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Time for Payment of Civil Penalties or Administrative Fines; Time Frames for Completion of Requirements 64B8-8.002

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address time frames for completion of requirements imposed by Board order.

SUBJECT AREA TO BE ADDRESSED: Time frames for completion of requirements imposed by Board order.

SPECIFIC AUTHORITY: 456.072(2), 458.309 FS.

LAW IMPLEMENTED: 456.072(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 IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.002 Time for Payment of Civil Penalties or Administrative Fines; Time Frames for Completion of Requirements.

(1) In cases where the Board of Medicine imposes a civil penalty or an administrative fine for violation of Chapter 456 or 458, Florida Statutes, or the rules promulgated pursuant thereunder, the penalty shall be paid within thirty (30) days of its imposition by Order of the Board unless a different time frame is set forth in the Order.

In addition, any costs imposed by Order of the Board shall be paid within thirty (30) days unless a different time frame is set forth in the Order.

(2) Unless otherwise specified in the Board’s Order, the time frames for completion of the requirements are as follows:

(a) FMA sponsored medical records course is to be completed within one year from the date the Order is filed;

(b) USF sponsored prescribing course is to be completed within one year from the date the Order is filed;

(c) Continuing medical education is to be completed within one year from the date the Order is filed;

(d) Community service is to be completed within one year from the date the Order is filed.

(e) Quality assurance (risk management) reviews of practice shall be required within four (4) months from the date the Order is filed and compliance with any and all recommendations shall be required within four (4) months following the quality assurance review.

(f) UF CARES or Board-approved equivalent evaluations shall be required within four (4) months from the date the Order is filed and compliance with any and all recommendations of the evaluation shall be required to be completed and compliance demonstrated within eight (8) months following the evaluation.

(g) Lectures imposed by Order of the Board shall be completed and documentation submitted within one (1) year from the date the Order is filed.

(h)(e) Reports to the Board’s Probationer’s Committee shall be made quarterly.

Specific Authority 456.072(2), 458.309 FS. Law Implemented 456.072(2) FS. History–New 10-23-80, Formerly 21M-20.02, Amended 9-7-92, Formerly 21M-20.002, 61F6-20.002, 59R-8.002, Amended 7-10-01, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE CHAPTER TITLE: Licensure Renewal and Reactivation; Continuing Education  
 RULE CHAPTER NO.: 64B8-13

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address renewal, reactivation and continuing education for those licensees who are in retired licensure status.

SUBJECT AREA TO BE ADDRESSED: Licensure renewal, reactivation and continuing education for retired status licensees.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 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 Medicine**

RULE TITLES: Physician Assistant Licensure  
 Renewal and Reactivation  
 Fees Regarding Physician Assistants  
 RULE NOS.: 64B8-30.005  
 64B8-30.019

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the retired status physician assistant licensure and fees.

SUBJECT AREA TO BE ADDRESSED: The Board proposes the development of rule amendments to set forth the criteria and fees for those physician assistants seeking retired status.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 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 Medicine**

RULE TITLE: Dispensing Drugs

RULE NO.: 64B8-30.006

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify dispensing procedures for physician assistants.

SUBJECT AREA TO BE ADDRESSED: Physician assistants practice with regard to dispensing drugs.

SPECIFIC AUTHORITY: 458.309, 458.347 FS.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.006 Dispensing Drugs.

Only those physician assistants authorized by law and rule to prescribe shall be permitted to dispense sample drugs to patients. Dispensing of sample drugs to patients shall be permitted only when no charge is made to the patient or a third party for the service or the drugs and if the sample being dispensed could otherwise have been legally prescribed by the physician assistant. This rule shall not be construed to prohibit a physician assistant employed in a county health department from ordering and providing patients with prepackaged and pre-labeled drugs in accordance with Section 154.04(1)(c), F.S.

Specific Authority 458.309, 458.347 FS. Law Implemented 458.347 FS. History—New 7-25-95, Formerly 59R-30.006, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLES: Physician Assistant Licensure Renewal and Reactivation

RULE NOS.: 64B15-6.0035

Physician Assistant Fees 64B15-6.013

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the retired status physician assistant licensure and fees.

SUBJECT AREA TO BE ADDRESSED: The Board proposes the development of rule amendments to set forth the criteria and fees for those physician assistants seeking retired status.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Dispensing Drugs

RULE NO.: 64B15-6.00365

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify dispensing procedures for physician assistants.

SUBJECT AREA TO BE ADDRESSED: Physician assistants practice with regard to dispensing drugs.

SPECIFIC AUTHORITY: 456.033, 459.022 FS.

LAW IMPLEMENTED: 459.022 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.00365 Dispensing Drugs.

Only those physician assistants authorized by law and rule to prescribe shall be permitted to dispense sample drugs to patients. Dispensing of sample drugs to patients shall be permitted only when no charge is made to the patient or a third party for the service or the drugs and if the sample being dispensed could otherwise have been legally prescribed by the physician assistant. This rule shall not be construed to prohibit a physician assistant employed in a county health department from ordering and providing patients with prepackaged and pre-labeled drugs in accordance with Section 154.04(1)(c), F.S.

Specific Authority 456.033, 459.022 FS. Law Implemented 456.033, 459.022 FS. History--New 5-12-98, Amended \_\_\_\_\_.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Emergency Medical Services  
RULE CHAPTER NO.: 64E-2  
RULE TITLES: Definitions 64E-2.001  
Trauma Registry 64E-2.018  
Funding for Verified Trauma Centers 64E-2.040

PURPOSE AND EFFECT: To provide a precise method for determining funding allocations for distribution to Florida's trauma centers in accordance with the legislative directives included in House Bill 497 and House Bill 1697 passed during the 2005 Legislative Session and to revise the Trauma Registry Manual, December, 2004.

SUBJECT AREA TO BE ADDRESSED: Trauma Center Funding Allocation, Definitions and Revisions to the Trauma Registry Manual, December, 2004.

SPECIFIC AUTHORITY: 395.4036 FS.

LAW IMPLEMENTED: 381.0011(13), 395.4001, 395.4036, 395.404 FS.

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

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

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2760; e-mail: susan\_mcdevitt@doh.state.fl.us, Fax (850)488-2512

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-2.001 Definitions.

In addition to the definitions provided in Sections 395.401, 401.107, and 401.23, F.S., the following definitions apply to these rules:

(1) No change.

(2) Administrative Trust Fund – means the department’s trust fund wherein the fines and penalties imposed in support of trauma centers and trauma services shall be deposited.

(3)(2) Application – means a completed application form, as specified by the department, together with all documentation required by these rules and the required fee.

(4) Attestation – means the annual attestation made by a trauma center and submitted to the department regarding funding received.

(5)(3) Burn – means a tissue injury resulting from excessive exposure to thermal, chemical, electrical or radioactive agents.

(6) Calendar year – means January through December of any given year or the portion thereof that a trauma center is verified or certified.

(7) Caseload Volume – means the number of verified trauma patients reported by the individual trauma center’s to the department’s Trauma Registry.

(8)(4) Controlled Substances – means those drugs listed in Chapter 893, F.S.

(9)(6) Chief – means the chief of the department’s Bureau of EMS.

(10)(7) Emergency Medical Services Provider – means any entity licensed in the State of Florida to provide air, or ground ambulance, whether basic life support (BLS) or advanced life support (ALS), and whether it is a non-transportation or a transportation service.

(11)(8) Glasgow Coma Scale Score – means the neurological assessment developed by G. Teasdale and B. Jennitte in “Assessment of Coma and Impaired Consciousness: A Practical Scale” Lancet, 1974; 2: 81-84, which is incorporated by reference and available from the department.

(12)(9) ICD-9-CM – means the “International Classification of Disease, 9th Revision, Clinical Modification,” March, 1989, U.S. Department of Health and Human Services Publication No. (PHS) 89-1260; an internationally applied method by which diseases or groups of medical conditions or injuries are coded for the purpose of statistical analyses. This book is incorporated by reference and available for purchase from the American Hospital Association, Central Office on ICD-9-DM, 1(800)242-2626, AHA, Post Office Box 92683, Chicago, IL 60675-2683.

~~(13)~~~~(10)~~ Injury Severity Score (ISS) – means the sum of the squares of the highest AIS-90 code in each of the three most severely injured body regions. The method for computing ISS is found in the “Abbreviated Injury Scale 1990 – Update 98,” or means an injury severity scoring system otherwise defined in statute.

(14) Intergovernmental Transfer Funds – means those funds appropriate for use as matching dollars under Title XIX, Medicaid.

~~(15)~~~~(11)~~ Neonatal Ambulance – means an ALS permitted vehicle which is designated solely to interfacility transports of neonates to a Level II or Level III neonatal intensive care unit.

(16) Local Funding Contribution – means local municipal, county or tax district funding or private foundation funding received by a hospital or healthcare system that operates a verified trauma center.

~~(17)~~~~(12)~~ Neonatal Transport – means the transport of any neonate requiring emergency transfer from a hospital licensed under Chapter 395, F.S., to a Level II or Level III neonatal intensive care unit.

~~(18)~~~~(13)~~ Neonate – means an infant less than 28 days of life and or less than 5 kg.

~~(19)~~~~(14)~~ “Operate”, “Operates” or “Operation” – means providing, offering to provide, soliciting, or advertising prehospital or interfacility ALS services or BLS transportation services as further described in Rule 64E-2.032, F.A.C.

~~(20)~~~~(15)~~ Patient Care Record – means the record used by each EMS provider to document patient care, treatment and transport activities that at a minimum includes the information required under paragraphs 64E-2.003(5)(a),(b), Rule 64E-2.013, subsection 64E-2.015(5), subsections 64E-2.017(5),(6),(7), 64E-2.0175(4), F.A.C.

~~(21)~~~~(16)~~ Pediatric Trauma Patient – means a trauma patient with anatomical and physical characteristics of a person 15 years of age or younger.

(22) Region – means a trauma service area established pursuant to Section 395.4015(1), F.S.

~~(23)~~~~(17)~~ Training Program – means an educational institution having one designated program director, one designated medical director, and single budget entity; for the purposes of providing EMT or paramedic education programs, as approved by the department.

~~(24)~~~~(18)~~ Trauma – means a blunt, penetrating or burn injury caused by external force or violence.

~~(25)~~~~(19)~~ Trauma Alert – means a notification initiated by EMS informing a hospital that they are en route with a patient meeting the trauma alert criteria or a patient presenting at a trauma center meeting the trauma alert criteria.

~~(26)~~~~(20)~~ Trauma Alert Patient – means a person whose primary physical injury is a blunt, penetrating or burn injury, and who meets one or more of the adult trauma scorecard criteria in Rule 64E-2.017, F.A.C., or the pediatric trauma scorecard criteria in Rule 64E-2.0175, F.A.C.

~~(27)~~~~(21)~~ Trauma Patient – means any person who has incurred a physical injury or wound caused by trauma and who has accessed an emergency medical services system.

~~(28)~~~~(22)~~ Trauma Registry – means a statewide database which integrates medical and system information related to trauma patient diagnosis and the provision of trauma care by prehospital, hospital, and medical examiners.

~~(29)~~~~(23)~~ Trauma Transport Protocols (TTPs) – means a document which describes the policies, processes and procedures governing the dispatch of vehicles, and the triage and transport of trauma patients.

Specific Authority 381.0011(13), 395.401, 395.4025(13), 395.405, 401.121, 401.35 FS. Law Implemented 381.0011, 395.4001, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.25, 401.35, 401.435 FS. History–New 4-26-84, Amended 3-11-85, Formerly 10D-66.485, Amended 11-2-86, 4-12-88, 8-3-88, 8-7-89, 6-6-90, 12-10-92, 11-30-93, 10-2-94, 1-26-97, Formerly 10D-66.0485, Amended 8-4-98, 7-14-99, 2-20-00, 11-3-02, 6-9-05,\_\_\_\_\_.

64E-2.018 Trauma Registry.

Instructions for completing and submitting data are defined in the Florida Trauma Registry Manual, December 2005 ~~December 2004~~, which is incorporated by reference and available from the department.

Specific Authority 395.405, 401.35 FS. Law Implemented 395.3025(4)(f), 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405, 401.30, 401.35 FS. History–New 8-3-88, Amended 12-10-92, 11-30-93, Formerly 10D-66.103, Amended 7-14-99, 11-19-01, 6-3-02, 6-9-05,\_\_\_\_\_.

64E-2.040 Funding for Verified Trauma Centers.

(1) Funds collected under Section 318.18(14), F.S., and Section 318.19(1),(2), F.S., and

(2) Funds collected pursuant to Section 318.18(14), F.S., shall be allocated as follows:

(a) The funding formula is as follows:

$$a \times .50 = c$$

b

a = total funds collected under Section 318.18(4), F.S.

b = total number of verified/certified trauma centers

c = amount each trauma center receives in recognition of readiness costs for maintaining trauma services

(b) The funding formula is as follows:

$$a \times .50 \times b = d$$

c

a = total funds collected under Section 318.18(4), F.S.

b = each trauma center’s relative volume of trauma cases reported to the department’s Trauma Registry for the previous calendar year

c = total trauma caseload volume reported to the department’s Trauma Registry for the previous calendar year

d = amount the trauma center receives based on trauma caseload volume

(3) Funds collected pursuant to Section 318.19(1),(2), F.S., and deposited in the department's Administrative Trust Fund shall be allocated as follows:

(a) The funding formula is as follows:

$$a \times .20 \times b = \frac{d}{c}$$

a = total funds collected under Section 316.075(1)(c)1., F.S.

b = each trauma center's relative volume of trauma cases reported to the department's Trauma Registry for the previous calendar year for trauma centers that have a local funding contribution

c = total trauma caseload volume reported to the department's Trauma Registry for the previous calendar year for trauma centers that have a local funding contribution

d = amount the trauma center located in a region that has a local funding contribution receives based on trauma caseload volume

(b) The funding formula is as follows:

$$a \times .40 \times b = \frac{d}{c}$$

a = total funds collected under Section 316.075(1)(c)1., F.S.

b = each trauma center's relative volume of trauma cases reported to the department's Trauma Registry for the previous calendar year

c = total trauma caseload volume reported to the department's Trauma Registry for the previous calendar year

d = amount the trauma center receives based on trauma caseload volume

(c) The funding formula is as follows:

1. ISS scores of 1-14

$$a \times .40 \times b = \frac{f}{d}$$

2. ISS scores of 15 plus

$$a \times .40 \times (c \times i) = \frac{g}{e}$$

$$f + g = h$$

a = total funds collected under Section 316.075(1)(c)1., F.S.

b = each trauma center's relative volume of trauma cases reported to the department's Trauma Registry for the previous calendar year ... ISS scores of 1-14

c = each trauma center's relative volume of trauma cases reported to the department's Trauma Registry for the previous calendar year ... ISS scores of 15 plus

d = total trauma caseload volume of ISS scores (some records do not have ISS scores) reported to the department's Trauma Registry for the previous calendar year based on ISS scores of 1-14

e = total trauma caseload volume of ISS scores (some records do not have ISS scores) reported to the department's Trauma Registry for the previous calendar year based on ISS scores of 15 plus

f = amount the trauma center receives based on ISS scores of 1-14

g = amount the trauma center receives based on weighted ISS scores of 15 plus

h = total amount the trauma center receives based on the severity of trauma patients

i = weighting for ISS scores of 15 plus

(4) Trauma centers that voluntarily or involuntarily lose their verification/certification shall receive their allocation of funding based on a pro-rated share of funds collected while a verified/certified trauma center.

(5) Request for distribution from the Administrative Trust Fund shall be on the intergovernmental transfer from DOH Form # \_\_\_\_\_.

(6) Annually, each trauma center shall attest on DOH Form # \_\_\_\_\_ to the department on forms developed by the department that any funds distributed shall be and are expended in the furtherance of trauma services.

Specific Authority 395.4036 FS. Law Implemented 381.0011(13), 395.4001, 395.4036, 395.404 FS. History--New \_\_\_\_\_.

NOTE: AT THE CONCLUSION OF ALL OF THE WORKSHOPS, A FINAL DRAFT OF THE PROPOSED RULE WILL BE POSTED ON THE BUREAU WEB PAGE PRIOR TO THE RULE GOING TO PUBLIC HEARING.  
P.O. B00829

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE CHAPTER TITLE: Firefighter Standards and Training  
PART I Qualification for Certificate of Compliance

RULE CHAPTER NO.: 69A-37

RULE TITLE: Firefighter Training Course Medical Examination

RULE NO.: 69A-37.037

PURPOSE AND EFFECT: To conform existing rule to changes made to Section 633.34, F.S., in the 2005 legislative session.

SUBJECT AREA TO BE ADDRESSED: Firefighter training course medical examination.

SPECIFIC AUTHORITY: 633.45(2)(a) FS.

LAW IMPLEMENTED: 633.34(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. (IF NOT REQUESTED, THIS WORKSHOP WILL BE NOT HELD):



TIME AND DATE: 1:00 p.m., November 10, 2005  
 PLACE: Main Auditorium, Florida State Fire College, 11655 N. W. Gainesville Road, Ocala, Florida 34482-1486

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting: Angie Cain, (352)369-2818.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dave Casey, Chief, Bureau of Fire Standards and Training, 11655 N. W. Gainesville Road, Ocala, Florida 34482-1486, (352)369-2833

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**PART I Qualification for Certificate of Compliance**

69A-37.037 Firefighter Training Course Medical Examination.

(1) No change.

(2) The medical examination shall be given by a physician, ~~or surgeon, or physician assistant~~ licensed to practice in the State of Florida pursuant to Chapter 458, F.S.; ~~or an osteopathic physician, or surgeon, or physician assistant~~ licensed to practice in the State of Florida pursuant to Chapter 459, F.S.; or an advanced registered nurse practitioner licensed to practice in the State of Florida pursuant to Chapter 464, F.S. An individual shall receive this examination within the 6 month period prior to the date the application for firefighter certification is received by the Bureau of Fire Standards and Training.

(3) through (4) No change.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34(5) FS. History--New 9-7-81, Formerly 4A-37.05, 4A-37.37, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 12-10-01, Formerly 4A-37.037, Amended \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Firefighter Standards and Training	69A-37
RULE TITLES:	RULE NOS.:
PART IV: Live Fire Training	
Definitions	69A-37.401
Authorizations for Certified Personnel	69A-37.402
Compliance with Other Applicable	
Laws, Rules	69A-37.403
Requirements for Live Fire Training for	
Certified Personnel	69A-37.404
Requirements for Live Fire Training	
During Recruit Training	69A-37.405
Certification Prerequisites for	
Live Fire Training	69A-37.406

Live Fire Instructor Training	69A-37.407
Live Fire Trainer Certification and Renewal	69A-37.408
Instructor Certification Revocation	69A-37.409

PURPOSE AND EFFECT: To adopt rules for procedures and standards involving live fire training as mandated by Section 633.821, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Live fire training procedures and standards.

SPECIFIC AUTHORITY: 633.821(6) FS.

LAW IMPLEMENTED: 633.821 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 (IF A WORKSHOP IS NOT REQUESTED, NO WORKSHOP WILL BE HELD):

TIME AND DATE: 1:00 p.m., November 10, 2005  
 PLACE: Main Auditorium, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting Angie Cain, (352)369-2818.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dave Casey, Chief, Bureau of Fire Standards and Training, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486, (352)369-2818

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**PART IV: Live Fire Training**

**69A-37.401 Definitions.**

The following words or terms have the following definitions unless the context clearly requires otherwise.

(1) “Live Fire Trainer,” sometimes referred to as LFT, means any person certified by the Florida State Fire College as an Instructor I, II, or III who has completed the Live Fire Trainer program, and who has successfully passed the certification examination.

(2) “Live Fire Adjunct Trainer,” sometimes referred to as “LFAT,” means any person certified by the Florida State Fire College as a Live Fire Adjunct Trainer.

(3) “Live Fire Instructor Trainer” means any person that meets all of the requirements for LFT and has completed the train-the-trainer course of study.

(4) “Live Fire Master Trainer” means any person certified by the Florida State Fire College as a Live Fire Master Trainer.

(5) “Live Fire Trainer Course” means the 40-hour training program required to become a Live Fire Trainer. This program includes practical evolutions and is only available in a “live” traditional delivery format.

(6) “Live Fire Adjunct Trainer Course” means the 16-hour training program required to become a Live Fire Adjunct Trainer. This program includes practical evolutions and is only available in a “live” traditional delivery format.

(7) “Live Fire Training” means the training of certified firefighters or candidates for firefighter certification involving:

(a) Acquired structures,

(b) Permanent training structures, and

(c) Liquid, gas fueled, or ordinary combustible fires or props involving fire that are beyond the incipient stage and are not capable of being extinguished by the use of a single standard fire extinguisher.

(8) “NFPA” means the National Fire Protection Association

(9) “Instructor in Charge,” sometimes referred to as IIC, means any person certified as an instructor and designated by the authority having jurisdiction to be in charge of the live fire training evolution.

(10) “Safety Officer,” sometimes referred to as SO, means any person appointed by the authority having jurisdiction to maintain a safe working environment at all live fire training evolutions. The SO should not be confused with the “safety coordinator” as defined and used in Chapter 69A-62, F.A.C.

(11) “Student” means a current Florida certified firefighter or any individual undergoing training to become a Certified Firefighter 1 or a Certified Firefighter 2.

(12) “These rules” means Part IV of Chapter 69A-37, F.A.C.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History—New \_\_\_\_\_.

#### 69A-37.402 Authorizations for Certified Personnel.

(1) A Live Fire Trainer is permitted to serve in any position during live fire training.

(2) A Certified Live Fire Adjunct Trainer is permitted to lead crews, operate safety lines and perform in all other positions during live fire training except Instructor in Charge or Safety Officer.

(3) A Live Fire Instructor Trainer is permitted to provide training to eligible instructors under the auspices of a certified training center for both the “Live Fire Trainer” course and the “Live Fire Adjunct Trainer” course.

(4) A Live Fire Master Trainer is authorized to confer credentials to persons having successfully completed the prerequisites for Live Fire Trainer and Live Fire Adjunct Trainer and to conduct instructor train-the-trainer courses. No more than one person is authorized to hold the position of Live Fire Master Trainer in any facility.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History—New \_\_\_\_\_.

#### 69A-37.403 Compliance with Other Applicable Laws, Rules.

(1) Nothing in these rules supersedes any other Florida Administrative Code requirement such as those adopted by rule of the Department of Environmental Protection, any state law, or any local ordinance that is equal to, or that provides a greater degree of life safety than, these rules. These rules are in addition to and supplemental to any law, rule, or ordinance that provides an equal degree of safety as, or greater degree of safety than, these rules.

(2) Student training as part of the Firefighter 1 or 2 program must comply with certified trainer to student ratios according to the most current edition of NFPA 1403 as adopted in these rules.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History—New \_\_\_\_\_.

#### 69A-37.404 Requirements for Live Fire Training for Certified Personnel.

(1) Each IIC and SO must be certified as an LFTI.

(2) Any other person identified as actually leading a crew inside a structure or in the immediate proximity of an exterior prop and immediately supervising such training operations must be a Certified “Live Fire Adjunct Trainer.”

(3) Any person operating a safety hoseline shall be selected based on his or her experience and capabilities, but is not required to be a certified instructor.

(4) Each firefighter, regardless of tenure, shall be trained to constantly identify hazards and alternative escape routes during interior fire suppression operations, inclusive of training exercises.

(5) Prior to live fire training drills, each firefighter must identify two means of egress or escape from each area.

(6) Live fire training in any structure must include instruction of the student in planning for a secondary means of egress or escape in case of an unexpected fire condition change. The use of any room with limited access shall not be used for live fire training instruction.

(7) No fire room shall be used when there are not at least two separate means of egress or escape available.

(8) Live fire used in training must not block the main or planned secondary exit of firefighters.

(9) Emergency ventilation must be planned to limit fire spread and improve habitability in the event such action is necessary. Neither the primary nor secondary egress point is permitted to be used for normal room venting.

(10) Each window used as a secondary means of egress shall have clear access, with the glass and impedances such as frame cross members removed. Windows are permitted to be loosely boarded to allow ventilation and to be easily removed without tools from the inside or outside. No exterior obstruction shall impede egress.

(11) A safety team with a hoseline having sufficient flow, but with not less than a minimum of 95 GPM, to extinguish a fire involving the entire fire room must be in place to monitor the fire and the training personnel. The safety team shall at all times monitor the progress of the crew being trained.

(12) Training mannequins must be readily identifiable as such and shall not be dressed in structural firefighter protective clothing that is possible to confuse with the clothing of an actual firefighter.

(13) Any person or agency conducting “search and rescue” types of training should limit their use of live fire. Realistic conditions can be simulated without the danger of live fire.

(14) Thermal imaging equipment should be used to monitor fire conditions and the location of firefighters during fire training. Thermal imaging is a valuable tool for firefighter safety, for more rapid victim search and rescue, and for fire suppression operations in hostile structural fires.

(15) Every pumper or other unit equipped with a pump supplying hoselines during interior fire operations shall have an assigned qualified pump operator present at that unit in case immediate operational changes are necessary.

(16) All internal crews and command staff shall have two way radio communications with verified performance throughout the entire structure or hot zone prior to beginning any evolution. Operations shall be conducted on a dedicated radio channel that shall not be a channel used for dispatching or for any other use during live fire evolutions.

(17)(a) The “two-in – two-out” rule shall at all times be in effect during any live fire training.

(a) A minimum of two individuals shall be located outside the immediately dangerous to life and health (IDLH) atmosphere prepared to immediately make entry for the purpose of locating and rescuing a student or other person.

(b) Such person may be assigned an additional role that does not take him or her away from the immediate location or diminish his or her ability to immediately react; and such additional role shall not jeopardize the safety or health of anyone onsite by abandoning that other assignment.

(c) The Instructor In Charge, Safety Officer, and primary pump operator are not permitted to serve as members of the “two-out” personnel.

(18) The local emergency medical services (EMS) provider shall be apprised of the location and time of the evolution. Basic Life Support shall be provided on the scene and whenever possible Advance Life Support care and transport is recommended to be on scene. Planning shall include a landing zone for air transport, such as an emergency medical service helicopter.

(19)(a) The following portions of the 2002 edition of the National Fire Protection Association, Inc., Publication 1402, “Guide to Building Fire Service Training Centers,” are hereby adopted and incorporated by reference:

1. 1402-7.2 Selecting An Architect/Engineer (A/E).
2. 1402-8.16 Emergency Care.
3. 1402-8.17 Building Maintenance.
4. 1402-10.2 Fire Temperature, and
5. 1402-11.3 Safety.

(b) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in these rules are also available for public inspection during regular business hours at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 33482-1486.

(20)(a) The 2002 edition of the National Fire Protection Association, Inc., Publication 1403, “Standard on Live Fire Training Evolutions,” is hereby adopted and incorporated by reference, excluding, however:

1. Any chapter entitled “Referenced Publications.”
2. References to the National Fire Protection Association, Inc., Publication 1975, Station Uniform.
3. The National Fire Protection Association, Inc., Publication 1001, or any references to such publication in the National Fire Protection Association, Inc., Publication 1975.
4. Any reference to an authority having jurisdiction in the National Fire Protection Association, Inc., publication 1403, defined as the organization, office, or individual responsible for approving equipment, materials, installations, and procedures.

(b) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in these rules are also available for public inspection during regular business hours at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 33482-1486.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History—New \_\_\_\_\_.

69A-37.405 Requirements for Live Fire Training During Recruit Training.

(1) All requirements of Chapter 69A-37, F.A.C., must be met.

(2) The initial exposure to live-fire conditions in recruit training must be under the strict supervision and control of the authorized person or persons in charge, with immediate egress capabilities available at ground level.

(3) To observe basic fire behavior, each trainee shall be exposed to very basic props or scenarios and progressively build to more complex scenarios that approximate realistic conditions.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History—New \_\_\_\_\_.

69A-37.406 Certification Prerequisites for Live Fire Training.

(1) The Instructor I and Firefighter II certifications are prerequisites for taking Live Fire Instructor Training.

(2) The person must be sponsored by the agency for which they will utilize certification such as a training center or fire department.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New \_\_\_\_\_.

69A-37.407 Live Fire Instructor Training.

(1) LFT training must be conducted at a certified training center meeting the current requirements of Chapter 633, F.S. and Chapter 69A-37, F.A.C., inclusive of interior and exterior burn props. All training must be completed by a certified LFT.

(2) Training to be a Live Fire Trainer must be provided directly through the Florida State Fire College by a Live Fire Master Trainer.

(3) Qualification by local agency for fixed facility operation. The local agency utilizing fixed gas fired or ordinary combustible type training buildings shall require all instructors to be trained and approved to operate said equipment in accordance with the manufacturer guidelines and local agency requirements.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New \_\_\_\_\_.

69A-37.408 Live Fire Trainer Certification and Renewal.

(1) Successful completion of a Florida State Fire College approved certification test encompassing course objectives and materials with a passing score of 85% is required for certification.

(2) For triennial renewal, a person is required to complete the 8 hour LFT renewal course and each person seeking renewal must have participated as a primary instructor, IIC, or SO during the three year period on a fully compliant live training fire exercise.

(3) Any Live Fire Trainer must be associated with a fire department pursuant to Chapter 69A-62, F.A.C. or certified training center pursuant to this chapter.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New \_\_\_\_\_.

69A-37.409 Instructor Certification Revocation.

LFMT, LFT, LFAT or LFIT Certification shall be revoked if:

(1) Any instructor certification renewal requirement is not met;

(2) Any medical treatment for injured participants is not provided or any participant is abandoned during any live fire exercise;

(3) Any prohibited material outside of the requirements of this rule and as defined in the adopted portions of NFPA 1403 is permitted to be used for Live Fire Training;

(4) Each established safety rule is not enforced;

(5) Full compliance with the adopted portions of NFPA 1403 is not met, excluding the identified exceptions.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLES:	RULE NOS.:
Calculation of Premium Rates	69O-149.037
Employee Health Care Access Act Statement	

Reporting Requirement	69O-149.038
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PURPOSE AND EFFECT: The proposed rules require that: insurers submit rate filings to the Office of Insurance Regulation that contain individual age rates for one life groups; amend biennial reporting requirements regarding the underwriting impact of using +/- 15% in the small group market; provide clarification regarding credits that may be applied where an employer has submitted a group application; and specify how appropriate COBRA rates should be determined.

SUBJECT AREA TO BE ADDRESSED: Small Employer Health Care Access.

SPECIFIC AUTHORITY: 624.308(1), 627.6699(5)(i)4., (6),(16), 627.9175 FS.

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

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

TIME AND DATE: 9:30 a.m., November 3, 2005

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

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

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

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

Section II
Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLES: Duplicate License Fee
Applicants Seeking Reentry
RULE NOS.: 64B11-2.010
64B11-2.012

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete the language regarding the purchase of a wall certificate and offer only the purchase of a duplicate license; the Board proposes to clarify the rule language to specify that the continuing education be in hours, not units.

SUMMARY: Wall certificates will no longer be available for purchase; the rule language regarding continuing education credit is clarified to specify hours, not units.

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

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

SPECIFIC AUTHORITY: 456.025(2),(7), 468.204, 468.209 FS.

LAW IMPLEMENTED: 456.025(2),(7), 468.209(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: Kaye Howerton, Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.010 Wall Certificate and Duplicate License Fee.

(1) Licensees licensed prior to July 1, 1998 may obtain wall certificates by submitting a written request to the Board along with a \$25.00 fee.

(2) Licensees may obtain a duplicate wall certificate by submitting a written request to the Board along with a \$25.00 fee.

(3) Licensees may obtain a duplicate licenses for replacement of a lost or destroyed license by submitting a written request to the Board along with a \$25.00 fee.

Specific Authority 456.025(2),(7); 468.204 FS. Law Implemented 456.025(2),(7) FS. History--New 6-3-92, Formerly 21M-13.014, 61F6-13.014, 59R-61.014, Amended 9-23-99.

64B11-2.012 Applicants Seeking Reentry.

An applicant seeking reentry into the profession who has not been in active practice within the last five years must submit to the Board documentation of 50 occupational therapy continuing education hours units, 12 of which may be home study, taken within the year prior to licensure.

Specific Authority 468.204, 468.209 FS. Law Implemented 468.209(5) FS. History--New 10-29-02, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy Practice

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLES: Duplicate License Fee
Applicants Seeking Reentry
RULE NOS.: 64B11-3.008
64B11-3.009

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete the language regarding the purchase of a wall certificate and offer only the purchase of a duplicate license; the Board proposes to clarify the rule language to specify that the continuing education be in hours, not units.

SUMMARY: Wall certificates will no longer be available for purchase; the rule language regarding continuing education credit is clarified to specify hours, not units.

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

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

SPECIFIC AUTHORITY: 456.025(2),(7), 468.204, 468.209 FS.

LAW IMPLEMENTED: 456.025(2),(7), 468.209(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 RULES IS: Kaye Howerton, Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B11-3.008 Duplicate License Fee.

~~(1) Licensees licensed prior to July 1, 1998 may obtain wall certificates by submitting a written request to the Board along with a \$25.00 fee.~~

~~(2) Licensees may obtain a duplicate wall certificate by submitting a written request to the Board along with a \$25.00 fee.~~

~~(3) Licensees may obtain a duplicate license by submitting a written request to the Board along with a \$25.00 fee.~~

Specific Authority 456.025(2),(7), 468.204 FS. Law Implemented 456.025(2),(7) FS. History—New 8-8-00, Amended \_\_\_\_\_.

64B11-3.009 Applicants Seeking Reentry.

An applicant seeking reentry into the profession who has not been in active practice within the last five years must submit to the Board documentation of 50 occupation therapy continuing education ~~hours~~ units, 12 of which may be home study, taken within a year prior to licensure.

Specific Authority 468.204, 468.209 FS. Law Implemented 468.209(5) FS. History—New 10-29-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy Practice

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE TITLE: Standards of Practice; Discipline

RULE NO.: 64B11-4.003

PURPOSE AND EFFECT: The Board proposes to add a new disciplinary guideline to address the addition of new Section 456.072(1)(gg), F.S. (2005).

SUMMARY: The rule adds a new disciplinary guideline to address a violation of Section 456.072(1)(gg), F.S.

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

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

SPECIFIC AUTHORITY: 456.079, 468.204 FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.217 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-4.003 Standards of Practice; Discipline.

(1) No change.

(2) Among the range of punishments including any and all in Section 456.072(2), F.S., in increasing severity are:

(a) Letter of concern and a minimum administrative fine of \$100, remedial education, and/or refund of fees billed.

(b) Probation with conditions to include limitations on the type of practice or practice setting, requirement of supervision by a licensee of the Board, employer and self reports, periodic appearances before the Board, counseling or participation in the Professionals Resource Physician's Recovery Network (PRN), payment of administrative fines, and such conditions to assure protection of the public.

(c) Suspension for a minimum of ninety days and thereafter until the licensee appears before the Board to demonstrate current competency and ability to practice safely and compliance with any previous Board orders.

(d) Denial of licensure with conditions to be met prior to any reapplication.

(e) Permanent Revocation, with limited ability to reapply.

(3) No change.

(4) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., 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 verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. For applicants, any and all offenses listed herein are sufficient for refusal to certify an application for licensure. In addition to the penalty imposed, the Board shall recover the costs of investigation and prosecution of the case. Additionally, if the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient. However, if the violation is not through an error but is for making a false or fraudulent representation, the fine is increased to \$10,000 per count or offense.

(a) through (hh) No change.

(ii) Failing to finish PRN treatment program or failing without just cause to comply with PRN contract

First Offense  
456.072(1)(gg) F.S.

Suspension until compliant with program; up to Suspension until compliant with program, followed by up to 5 years probation with conditions.

Second or Subsequent Offense

Up to \$2000.00 fine. Suspension until compliant with program followed by up to five years probation with conditions, or revocation.

(5) through (7) No change.

Specific Authority 456.079, 468.204 FS. Law Implemented 456.072, 456.079, 468.217 FS. History--New 9-12-88, Amended 11-9-92, Formerly 21M-15.002, 61F6-15.002, 59R-63.002, Amended 1-27-00, 12-27-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Occupational Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy Practice

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

**DEPARTMENT OF HEALTH**  
**Board of Occupational Therapy**

RULE TITLE: RULE NO.:

Retired Status and Reactivation of 64B11-5.004  
Retired Status License; Fees

PURPOSE AND EFFECT: The Board proposes to promulgate this rule to address reactivation of retired status licenses in order to implement Section 456.036, F.S., 2005.

SUMMARY: The rule sets forth the requirements for reactivation of a retired status license.

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

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

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.004 Retired Status and Reactivation of Retired Status License; Fees.

(1) A licensee may place an active or inactive license in retired status at any time. If the license is placed in retired status at the time of renewal the licensee shall pay the retired status fee of \$50.00. If the license is placed in retired status at any time other than at the time of license renewal the licensee shall pay the change of status processing fee of \$50.00 and the retired status fee of \$50.00.

(2) A licensee may reactivate a retired status license at any time, subject to meeting the following requirements:

(a) Paying the reactivation fee, which shall be the same amount as the renewal fee for an active status licensee under these rules for each biennial licensure period in which the licensee was in retired status;

(b) Demonstrating satisfaction of the continuing education requirements of Rule 64B11-5.001, F.A.C., for each licensure biennial period in which the licensee was in retired status.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy Practice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 15, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF HEALTH
Division of Environmental Health

RULE TITLE: Emergency Medical Technician
PURPOSE AND EFFECT: The Department of Health has determined that it is necessary to amend the rule relating to the certification of Emergency Medical Technicians.
SUMMARY: Members of the military are deemed to have satisfied the criteria for certification provided that they have a notarized certification and are assigned to a Florida training 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 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, 401.35, 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 IS: Don L. Bennett, Bureau Chief, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64E-2.008 Emergency Medical Technician.
(1) through (4) 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: Don Bennett
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 29, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF HEALTH
Division of Family Health Services

RULE TITLES: General Regulations; Definitions
Records of Drugs, Cosmetics and Devices
Prescription Drugs; Receipt, Storage and Security
Licensing, Application, Permitting Fees
RULE NOS.: 64F-12.001
64F-12.012
64F-12.013
64F-12.015
64F-12.018

PURPOSE AND EFFECT: The 2003 Legislature passed Senate Bill 2312, The Prescription Drug Protection Act, that provided for a phase-in of enhanced drug regulation intended to further safeguard and protect the prescription drug supply in Florida. Effective July 1, 2006, a pedigree that traces all previous distributions of all prescription drugs back to the manufacturer must be provided by a wholesale distributor to all customers who acquired the prescription drug through a wholesale distribution. The 2005 Legislature passed Senate Bill 874, which further modified the requirements for the pedigree paper. This rule is intended to facilitate industry's compliance with the pedigree requirements through an optional process that takes advantage of electronic technology without compromising the legislative intent to document and authenticate all prior distributions of a prescription drug in order to prevent or deter the introduction of diverted, counterfeit, or contraband prescription drugs into Florida's drug supply. In addition, the pedigree paper form referenced in Section 499.003(31), F.S., needs revisions to implement the new requirements of Senate Bill 874 and to simplify the document for implementation July 1, 2006. The methods for authenticating a pedigree paper as required by Section 499.0121(4), F.S., need fine-tuning, and the wholesale industry needs guidance on how to reflect a returned prescription drug on the pedigree after July 1, 2006. Additional rules to further implement the pedigree provisions will be adopted at a later date.

SUMMARY: This amendment defines the term 'authorized absence' as used in the statutes dealing with a designed representative and the term 'electronic signature.' The rule



provides further guidance for implementing and complying with pedigree paper requirements related to elements of a pedigree, such as reference numbers, use of electronic signatures, handling returns, serialized units, and receiving information; recordkeeping; revised forms; and transmission of pedigrees. The rule also addresses pedigree / product review and revises the authorized methods for authenticating a pedigree paper, in particular, an electronic pedigree. Finally, the rule also requires an additional on-site inspection fee of \$150 for each re-inspection required for an initial application because the applicant was not ready or available for a scheduled inspection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There is no estimated regulatory impact related to this proposed rule amendment.

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

SPECIFIC AUTHORITY: 499.003, 499.012, 499.0121, 499.04, 499.041, 499.05 FS.

LAW IMPLEMENTED: 499.003, 499.012, 499.0121, 499.041 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon (EST), Monday, November 7, 2005

PLACE: Capital Circle Office Complex, 4052 Bald Cypress Way, Building 4052, Room 301, Tallahassee, Florida

If special accommodations are needed to attend this workshop because of a disability, please contact: Maxine Wenzinger, (850)922-5190.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-12.001 General Regulations; Definitions.

(1) No change.

(2) In addition to definitions contained in Sections 499.003, 499.012(1), 499.0121(6), 499.0122(1), 499.028(1), and 499.61, F.S., the following definitions apply to rule Chapter 64F-12, F.A.C.:

(a) through (b) No change.

(c) Authorized absence, for purposes of Section 499.012(11)(d), F.S., means the management or owner of a permitted wholesale establishment has approved in writing in a document that is available for inspection under Section 499.051, F.S., at the time of the inspection, the absence of the designated representative for a period not to exceed 60

calendar days for situations such as: the birth of the employee's child and to care for the newborn child; the placement of a child with the employee for adoption or foster care; the employee is needed to care for a family member (child, spouse or parent) with a serious health condition; or the employee's own serious health condition makes the employee unable to perform the functions of the designated representative.

(c) through (g) renumbered (d) through (h) No change.

(i) Electronic signature means a method of signing an electronic message that identifies a particular person as the source of the message and indicates the person's approval of the information contained in the message.

(i) through (cc) renumbered (k) through (ee) No change.

Specific Authority 499.05, 499.61, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS. History—New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-17-01, 6-30-03, 10-7-03, 1-1-04, 1-29-04, 5-29-05, \_\_\_\_\_.

64F-12.012 Records of Drugs, Cosmetics and Devices.

(1) through (2) No change.

(3) Pedigree Papers.

(a) The pedigree papers required by Section 499.0121(6)(d), (e), and (f), F.S., must include either the proprietary name or the generic name with the name of the manufacturer, repackager, or distributor as reflected on the label of the product; dosage form; strength; container size; quantity by lot number; the name and address of each owner of the prescription drug that is required to be identified on the pedigree paper; the name and address of each location from which it was shipped if different from the owner's; and the transaction dates. The pedigree paper must clearly identify the invoice to which it relates; however, if an invoice number has not been generated at the time the pedigree is prepared then an alternate reference number that is easily traceable to the invoice number may be used.

2. A copy of the pedigree paper must be maintained by each wholesaler preparing a pedigree paper and by each recipient. This copy may be maintained in an electronic medium that is readily available and easily accessible to the wholesaler preparing the pedigree paper; each recipient; and authorized federal, state, and local regulators or law enforcement. If a wholesaler serves as the repository of its customer's pedigree, the wholesaler must specify on the customer's invoice or other distribution document the method for immediately accessing all pedigrees associated with each prescription drug distributed and must enable access by the persons listed above for the duration of the applicable records retention period.

(b) No change.

(c) Beginning July 1, 2006, "Pedigree Paper (Distribution History of Prescription Drugs)," either form DH 2129 effective July 2006 ~~January 2004~~, which is incorporated by reference herein, or an electronic record that contains all the elements of form DH 2129 must be used to comply with the requirement in Section 499.0121(6)(f), F.S., for the distribution of a prescription drug. Beginning July 1, 2006, a repackager must use either "Prescription (Legend) Drug Pedigree – Repackager" form DH 2135 effective July 2006, which is incorporated by reference herein, or an electronic record that contains all the elements of form DH 2135. A wholesaler that further distributes a repackaged prescription drug must include in the pedigree the information related to the repacked drug contained in form DH 2135 or the electronic record that contains all the elements of form DH 2135. These forms ~~This form~~ may be used prior to July 1, 2006, to comply with the pedigree paper requirement of Section 499.0121(6)(d) or (e), F.S., at the discretion of the wholesaler. An electronic signature may be used on a pedigree paper. An electronic record must be easily readable or easily rendered in a readable format, and capable of being reproduced in a paper medium. Data on an electronic pedigree may be transmitted via the internet, data communications, a portable medium such as a CD-Rom or smart card or similar devices. Additional information to that required by forms DH 2129 and DH 2135 may be included on a pedigree provided it does not detract from or confuse the history of the distribution of the drug.

(d) through (e) No change.

(f) Returns.

1. When a distribution of a prescription drug by a wholesaler to an authorized recipient ~~that is a pharmacy, hospital, or practitioner~~ is the result of a mistake in ordering or shipment, the return of that shipment by the authorized recipient to the wholesaler need not be reflected in the pedigree paper. For purposes of this subparagraph, a mistake in ordering or shipment shall be deemed to have occurred if, within seven calendar days after the date of receipt of the original shipment:

a. The authorized recipient ships the specific unit of the prescription drug back to the wholesaler from which that specific unit was purchased; or

b. The authorized recipient transmits a documented communication to the wholesaler from which the prescription drug was purchased stating the authorized recipient's intent to return the shipment in accordance with the wholesaler's prescribed written policies and procedures and the wholesaler communicates authorization for return of the product.

2. Any returns to a wholesaler by an authorized recipient that are not within the scope of subparagraph 1. shall be reflected in the pedigree paper trail for any further distributions of the returned drug product to the extent required by Section 499.0121(6)(d), ~~(e)~~ or ~~(f)~~ ~~(e)~~.

3. An authorized recipient that returns a shipment to the wholesaler in accordance with subparagraphs 1. or 2. shall verify by written declaration as set forth in Section 92.525(2), F.S., a written document submitted with the returned product,

a. That the specific unit (exact unit) being returned was purchased from the receiving wholesaler (including the corresponding sales invoice number and the date of the sale from that wholesaler to the authorized recipient); and

b. That the product was or was not stored and shipped in accordance with the requirements of Section 499.0121, F.S., and the rules adopted thereunder while in the purchaser's custody and control.

c. The written declaration shall be printed or typed at the end of or immediately below the statements in sub-paragraphs 3.a. and 3.b. and shall state: "Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true," followed by the signature of the person making the declaration.

(g) For purposes of Section 499.003(31)(b), F.S., a manufacturer or repackager will have uniquely serialized an individual legend drug unit when the unit contains an electronic product code that meets industry standards for that type of legend drug unit. One pedigree record may be prepared for a group of serialized legend drugs, provided the only unique characteristic for the pedigree is the serialization codes.

(h) If a manufacturer initiates an electronic pedigree and transmits this information to a wholesaler consistent with the standards in sub-subparagraph 64F-12.013(5)(d)1.f., F.A.C., and that wholesaler provides a pedigree to its customer consistent with the standards in sub-subparagraph 64F-12.013(5)(d)1.f., F.A.C., the wholesaler must transmit the pedigree information initiated by the manufacturer in the pedigree the wholesaler provides to its customer.

(i) A wholesaler that purchases multiple units of a prescription drug from a manufacturer in one transaction, but receives these units from multiple distribution sites of the manufacturer or on multiple dates from the manufacturer, may reference the first occurrence of receipt in pedigree papers the wholesaler prepares for subsequent wholesale distributions unless all applicable information is received from the manufacturer as set forth in paragraph (h) above.

(j) A contract distributor for the manufacturer is deemed an agent of the manufacturer and therefore is not required under Section 499.0121(6)(f), F.S., to provide a pedigree paper upon distribution of the manufacturer's prescription drug provided the manufacturer retains title to the prescription drug and the contract distributor meets the requirements to be permitted under Chapter 499, F.S., as a non-resident prescription drug manufacturer based on its relationship with the manufacturer.

(4) through (16) No change.

Specific Authority 499.05, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS. Law Implemented 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.051, 499.052 FS. History—New 1-1-77, Amended 12-12-82, 7-8-84, 1-30-85, Formerly 10D-45.53, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.053, Amended 1-26-99, 4-17-01, 10-7-03, 1-1-04, 6-15-04, 8-2-04.

64F-12.013 Prescription Drugs; Receipt, Storage and Security.

(1) through (4) No change.

(5) Examination of Prescription Drugs; Physical Product and Records.

(a) 1. Every person receiving prescription drugs other than the consumer receiving dispensed prescription drugs pursuant to Chapter 465, F.S., has a duty to examine the product to prevent acceptance of prescription drugs that are unfit for distribution or use. The extent of the examination should be predicated on the conditions surrounding the transaction, including but not limited to any previous sales of the product, i.e., purchase and delivery is not direct from the manufacturer; the conditions of transport; and environmental conditions to which the product may have been subjected.

2. A wholesaler that physically receives a prescription drug must verify that the prescription drug received matches the prescription drug identified by lot number or unique serial number, when available, on the corresponding pedigree if a prescription drug is received from a person other than the manufacturer.

(b) through (c) No change.

(d) Authentication.

1. A prescription drug wholesaler may use any, all, or any combination of the following methods to authenticate each transaction on a pedigree paper and must maintain the corresponding documentation regarding the authentication for the method used:

a. Receipt of an invoice (or shipping document) from the seller to the purchaser, which may have the prices redacted. Documentation requirements include at a minimum a copy of the invoice of shipping document. If this method is used to authenticate a pedigree, the wholesaler must review the document received for signs of tampering, incompleteness, or inconsistency with other invoices or shipping documents from that manufacturer or wholesaler, and must randomly verify the authenticity of the invoice of shipping document with the seller or shipping point reflected on that document using one of the methods in paragraph b., c., or d. below. Each wholesaler should establish policies and procedures for the random verification of the authenticity of the invoices or shipping documents according to statistically valid standards. However, more emphasis should be focused on those wholesalers in the chain with which the wholesaler performing the authentication does not have an established prescription drug vendor relationship.

b. Telephone call to the seller. Documentation requirements include a signed statement by the person placing the telephone call identifying the person's name and position title representing the seller who provides the information, the date the information was provided, and verification of the sales transaction between the parties, including verification of the date of the transaction and the quantity of prescription drugs involved in the transaction.

c. E-mail communication with the seller. Documentation requirements include a copy of the e-mail that identifies the person's name and position title representing the seller who provides the information, the date the information was provided, and verification of the sales transaction between the parties, including verification of the date of the transaction and the quantity of prescription drugs involved in the transaction.

d. Verification of the transaction per a web-based system established by the seller or an independent person that is secure from intentional or unintentional tampering or manipulation to conceal an accurate and complete history of the prescription drug transaction(s). Documentation requirements include a written representation from the seller or independent person that the seller or independent person, as applicable, is responsible for the information included on the website and has adequate security on the information posted to prevent unauthorized tampering, manipulation, or modification of the information and a copy of the (dated) website page that confirms the sales transaction between the parties, including the date of the transaction and the quantity of prescription drugs involved in the transaction.

e. Receipt of a legible and unaltered copy of a previous transaction's pedigree paper that had been signed under oath at the time of the previous transaction to support the transaction to which the pedigree paper relates. If this method is used to authenticate a pedigree, the wholesaler must review the document received for signs of tampering, incompleteness, or inconsistency, and must randomly verify the authenticity of pedigrees using one of the methods in paragraph b., c., or d. above. Each wholesaler should establish policies and procedures for the random verification of the authenticity of these copies of pedigrees according to statistically valid standards.

f. Receipt of a pedigree in an electronic form from an automated system that complies with this sub-paragraph that was successfully opened and decrypted by an automated system that complies with this sub-paragraph. In order to rely on receipt of an electronic pedigree without employing additional authentication methods as set forth in subparagraphs a.-e.

(1) The system used to digitally sign and electronically authenticate the electronic pedigree must at a minimum support the following digital signature standards or future revisions governed by the National Institute of Standard and Technology (NIST):

(A) FIPS 140-2 validated cryptographic module which is hereby adopted by reference.

(B) FIPS 186-2 validated digital signature system which is hereby adopted by reference.

(C) FIPS 180-2 validated hash function which is hereby adopted by reference.

(II) The system must employ controls to ensure the security and integrity of the private key so that it cannot be accessed by someone other than the certificate holder. At a minimum, the system must:

(A) Control the activation of the private key with an authentication mechanism.

(B) Employ a ten-minute inactivity time period after which the certificate holder must re-authenticate to access the private key.

(C) When the signing module is deactivated, clear the plain text private key from the system memory to prevent the unauthorized access to, or use of, the private key.

(III) The system must communicate with the Certification Authority directory, either each time authentication and validation steps in sub-paragraph ix below occur or at least on a daily basis to download information to perform the authentication and validation which will occur on that day.

(IV) The system must have a time system that is within five minutes of the official NIST time source and date and time stamp any and all digital signatures.

(V) The system must archive digitally signed files unaltered, including the original hashes and reference to the public keys, in a manner that facilitates retrieval of the record consistent with the recordkeeping requirements.

(VI) The system must prevent issuance of an outgoing pedigree paper if the total quantity of prescription drugs distributed in all pedigrees exceeds the quantity of prescription drugs received in the corresponding incoming electronic pedigree.

(VII) The system must maintain a history file of any outgoing electronic pedigree that is subsequently voided or altered and notify the recipient that the pedigree sent to it was voided or altered.

(VIII) The system must maintain a history file of any incoming notification received pursuant to paragraph vii above that a pedigree was voided or altered and prevent the issuance of an outgoing pedigree using a pedigree that was voided or altered.

(IX) The system must verify or perform the following:

(A) Each transaction on the electronic pedigree must be digitally signed using certificates issued through a public key infrastructure system authorized by the department.

(B) The electronic pedigree must contain each prior transaction digitally signed and unaltered, including the original hash and reference to the public key, with the new

transaction information appended to the new document and the entire resulting pedigree digitally signed, including the resulting hash and reference to the public key.

(C) The system must check the certificate expiration date of each signed transaction and compare it against the date and time that the transaction was signed to determine that the certificate has not or had not expired at the time the record was signed.

(D) The system must check the certificate extension data of the digital signature for each signed transaction against the Certificate Authority's directory and the Certificate Revocation List and verify whether the certificate holder is or was authorized to sign electronic pedigrees as a sender at the time the transaction was signed.

(E) The system must decrypt each digital signature for each signed transaction in the pedigree using each sender's public key and compare it against the message digest to determine that the record has not been altered since it was originally signed.

(F) The system must require that all authentication and validation steps in the preceding paragraphs are carried out prior to allowing the acceptance of the transaction. The system should not allow the further processing of any transaction that has failed to pass any authentication or validation step.

(X) The manufacturer must initiate the pedigree; or, until such time as the manufacturer initiates a pedigree to the wholesaler, the wholesaler that purchased the prescription drug from the manufacturer must imbed a copy of the sales invoice or the manufacturer's EDI transmission that contains all required data elements for a complete audit trail as set forth in Rule 64F-12.012, F.A.C., related to that wholesaler's acquisition of the prescription drug from the manufacturer. Price information related to the transaction may be redacted from the imbedded copy of the sales invoice or the EDI transmission.

g. If a pedigree cannot be authenticated because of a clerical error, the pedigree must be corrected by the sender.

h. If a pedigree cannot be authenticated and the reason is other than a clerical error, or the reason cannot be satisfactorily ascertained based on preliminary investigation, the prescription drug for which the pedigree cannot be authenticated must be quarantined and the department notified within 3 business days.

2. Authentication of the purchase of a prescription drug directly from the manufacturer by an affiliated group member for a prescription drug that is subject to the statement in Section 499.0121(6)(e)1.a., F.S., may be documented by a written agreement between or among the affiliated group members that each affiliated group member will only transfer prescription drugs included on the specified list that were purchased directly from the manufacturer to an affiliated group

member that is required to include the statement in Section 499.0121(6)(e)1.a., F.S., on its wholesale distributions to other wholesale distributors.

3. The following persons in Florida that are authorized to purchase or possess prescription drugs are not required to authenticate a pedigree paper received from a person authorized by law to distribute prescription drugs to that person:

a. a licensed pharmacy, unless it is also permitted as a retail pharmacy wholesaler and will engage in the wholesale distribution of that drug, or unless it is a member of an affiliated group and will distribute a prescription drug purchased or received directly from a prescription drug wholesaler that is not also a member of its affiliated group to another member of its affiliated group;

b. A medical practitioner; or

c. A restricted prescription drug distributor – health care entity.

4. In order to authenticate pedigrees, a manufacturer of a prescription drug that is sold or distributed in Florida must make available upon request information relevant to authenticating a pedigree for that drug regardless of whether the prescription drug was sold directly by the manufacturer to a person in Florida.

5. Any wholesaler or repackager required under Chapter 499, F.S., to receive a pedigree paper must authenticate the pedigree pursuant to Section 499.0121(4), F.S., notwithstanding the absence of a pedigree paper or authentication by persons in the distribution chain not subject to the requirements of Chapter 499, F.S.

(6) through (7) No change.

Specific Authority 499.0121(1), 499.05 FS. Law Implemented 499.004, 499.006, 499.007, 499.0121, 499.028(6), 499.052 FS. History–New 7-8-84, Amended 1-30-85, Formerly 10D-45.535, Amended 11-26-86, 7-1-96, Formerly 10D-45.0535, Amended 1-26-99, 4-17-01, 1-1-04,\_\_\_\_\_.

64F-12.015 Licensing, Application, Permitting.

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

(1) through (3) No change.

(4) Written policies and procedures as required by Chapter 499, F.S., and this rules chapter must be established prior to approval of a permit application. A prescription drug wholesaler that uses a system to digitally sign and electronically authenticate an electronic pedigree must have policies and procedures to protect the security over the digital signatures.

(5) through (11) No change.

Specific Authority 499.01, 499.012, 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS. Law Implemented 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028, 499.04, 499.041, 499.05, 499.06, 499.062, 499.063, 499.064, 499.066, 499.067 FS. History–New 12-12-82, Amended 7-8-84, 1-30-85, Formerly 10D-45.54, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.054, Amended 1-26-99, 4-17-01, 10-29-02, 7-6-03, 1-1-04, 9-13-04,\_\_\_\_\_.

64F-12.018 Fees.

(1) through (3) No change.

(4) Miscellaneous other fees are as follows:

Description of other service fees	Fee
Certification of Designated Representative	\$150
Initial Application/On-site Inspection	\$150

(The initial application/on-site inspection fee is non-refundable.)

If the department must re-inspect for an initial application because the applicant does not have security, climate control, a quarantine area, or written policies and procedures, as required by the particular permit for which the applicant is applying; fails to appear for a scheduled inspection; or is otherwise not ready for inspection on or after the date indicated on the application form, an additional on-site inspection fee of \$150 is required for each re-inspection.

Prescription Drug Wholesaler Bond/Security or Out-of-State Prescription Drug Wholesaler Bond/Security, as set forth in Section 499.012(2), F.S. \$100,000

Change of Address Fee:

A relocation fee of \$100 must be paid for each permitted person relocating for which an on-site inspection is required. If no on-site inspection is required, the relocation fee is \$25 per permit. If a permitted person has multiple permits under the same permitted name and address and relocates any or all permitted activities concurrently to the new location, then only one \$100 fee is required plus \$25 for all other permits.

Product Registration (per drug or cosmetic product registered) \$ 20 \*

\* The registration fee for a drug or cosmetic product being amended to an existing product registration that has 12 months or less until it expires is \$10.

Listed Identical Products	\$ -0-
Free Sale Certificate	\$ 25
Signature copy (requested concurrently)	\$ 2
Delinquent Establishment Permit Renewal	\$100

(5) No change.

Specific Authority 499.01, 499.012, 499.015, 499.04, 499.041, 499.05 FS. Law Implemented 499.01, 499.012, 499.015, 499.04, 499.041 FS. History–New 7-1-96, Formerly 10D-45.0544, Amended 4-17-01, 7-6-03, 1-1-04, 9-13-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Hill, Chief of Statewide Pharmaceutical Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil E. Williams, Director, Division of Health Access and Tobacco

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2005

DATES NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004, January 7, 2005 and July 15, 2005

**FINANCIAL SERVICES COMMISSION**

**Office of Financial Regulation**

RULE TITLE: Processing of Applications  
 RULE NO.: 69W-301.002

PURPOSE AND EFFECT: Rule 69W-301.002, F.A.C., is being amended to adopt the most current versions of the Form ADV, Uniform Application for Investment Adviser Registration, and Form ADV-W, Notice of Withdrawal from Registration as an Investment Adviser, as adopted by the Securities and Exchange Commission. This will make Florida uniform with all state and federal securities regulatory bodies relative to Investment Adviser forms. Additionally, the rule is being amended to adopt the Form BR, Uniform Branch Office Form, a uniform application for branch office applications, amendments, terminations and withdrawals, in lieu of the current OFR Form DA-1-91. The new Form BR will enable broker-dealers to register branch offices electronically with Florida, the National Association of Securities Dealers (NASD), the New York Stock Exchange, Inc. ("NYSE"), other self-regulatory organizations ("SROs"), and other states, (as applicable), through the Central Registration Depository (CRD) system via one uniform form. The rule is also being amended to adopt revisions to the Form U-4, Uniform Application for Securities Industry Registration or Transfer, and Form U-5, Uniform Termination Notice for Securities Industry Registration, to make technical changes and conform those forms to the new Form BR.

SUMMARY: The rule adopts the following forms: Form ADV, Uniform Application for Investment Adviser Registration (10/03); Form ADV-W, Notice of Withdrawal from Registration as Investment Adviser (10/03); Form BR, Uniform Branch Office Form (10/05); Form U4, Uniform Application for Securities Industry Registration or Transfer (10/05); and Form U5, Uniform Termination Notice for Securities Industry Registration (10/05). Technical changes are also being made.

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

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

SPECIFIC AUTHORITY: 517.03(1), 517.12, 517.1201 FS.

LAW IMPLEMENTED: 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) FS.

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

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

PLACE: 101 East Gaines Street, The Fletcher Building, Room 547, Tallahassee, Florida 32399-0375

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrea Moreland, Executive Senior Attorney, Office of Financial Regulation, 200 E. Gaines Street, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9662

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-301.002 Processing of Applications.

(1) through (6) No change.

(7)(a) The forms referred to in this section below are incorporated by reference and readopted by this rule for the purposes of Rule Chapters 69W-100 through 69W-900, F.A.C.:

1. through 5. No change.

6. Form BD, Uniform Application for Broker-Dealer Registration (Revised 7/99);

7. Form ADV, Uniform Application for Investment Adviser Registration (Revised ~~10/03~~ ~~4/1/04~~);

8. Form U-4, Uniform Application for Securities Industry Registration or Transfer (Revised ~~10/05~~ ~~3/02~~);

9. BDW, Uniform Request for Broker-Dealer Withdrawal (Revised 8/99);

10. Form ADV-W, Notice of Withdrawal from Registration as Investment ~~Adviser~~ ~~Advisor~~ (Revised ~~(10/03)~~ ~~4/99~~);

11. Form U-5, Uniform Termination Notice for Securities Industry Registration (Revised ~~10/05~~ ~~3/02~~);

12. Form BR, Uniform Branch Office Form (Revised 10/05) ~~OFR Form DA-1-91, Branch Office Registration Form (Revised 4/99)~~;

13. through 14. No change.

(b) No change.

Specific Authority 517.03(1), 517.12, 517.1201 FS. Law Implemented 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) FS. History—Revised and Transferred from 3E-300.01, 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 2-1-87, 12-8-87, 7-29-90, 7-31-91, 6-16-92, 1-10-93, 3-13-94, 10-1-96, 10-23-97, 6-22-98, 6-10-99, 5-7-00, 7-10-02, Formerly 3E-301.002, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard A. White, Director of Securities and Finance, Office of Financial Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Commissioner, Office of Financial Regulation

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

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

**FINANCIAL SERVICES COMMISSION**

**Office of Financial Regulation**

RULE TITLES:	RULE NOS.:
Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser	69W-600.001
Application for Registration as Associated Person	69W-600.002
Registration of Issuer/Dealers, Principals and Branch Offices	69W-600.004
Changes in Name and Successor Registration Requirements	69W-600.007
Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent	69W-600.008
Investment Adviser Registration Depository for Federal Covered Advisers	69W-600.0092
Investment Adviser Registration Depository for Investment Advisers	69W-600.0093

**PURPOSE AND EFFECT:** The rules are being amended to reference the most current versions of the Form ADV, Uniform Application for Investment Adviser Registration, and Form ADV-W, Notice of Withdrawal from Registration as an Investment Adviser, as adopted by the Securities and Exchange Commission. This will make Florida uniform with all state and federal securities regulatory bodies relative to Investment Adviser forms. Additionally, the rules are being amended to reference the Form BR, Uniform Branch Office Form, a uniform application for branch office applications, amendments, terminations and withdrawals, in lieu of the current OFR Form DA-1-91. The new Form BR will enable broker-dealers to register branch offices electronically with Florida, the National Association of Securities Dealers (NASD), the New York Stock Exchange, Inc. (“NYSE”), other self-regulatory organizations (“SROs”), and other states, (as applicable), through the Central Registration Depository (CRD) system via one uniform form. The rules are also being amended to reference revised Form U-4, Uniform Application for Securities Industry Registration or Transfer, and revised Form U-5, Uniform Termination Notice for Securities Industry Registration. Technical changes are also being made. In a separate notice of proposed rulemaking published in this same issue of the Florida Administrative Weekly, Rule 69W-301.002, F.A.C., is being amended to adopt and incorporate by reference the new and revised forms listed above.

**SUMMARY:** The rules are being amended to reference the following forms: Form ADV, Uniform Application for Investment Adviser Registration (10/03); Form ADV-W, Notice of Withdrawal from Registration as Investment Adviser (10/03); Form BR, Uniform Branch Office Form (10/05); Form U4, Uniform Application for Securities Industry Registration

or Transfer (10/05); and Form U5, Uniform Termination Notice for Securities Industry Registration (10/05). Technical changes are also being made.

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

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

**SPECIFIC AUTHORITY:** 517.03(1), 517.12(6),(13),(15), 517.1201 FS.

**LAW IMPLEMENTED:** 120.60(1), 517.051, 517.081, 517.082, 517.12(5),(6),(7),(10),(11),(12)(b), 517.1201(1), 517.1205, 517.161(5) FS.

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

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

**PLACE:** 101 East Gaines Street, The Fletcher Building, Room 547, Tallahassee, Florida 32399-0375

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Andrea Moreland, Executive Senior Attorney, Office of Financial Regulation, 200 E. Gaines Street, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9662

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

69W-600.001 Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser.

(1)(a) Applications for initial and renewal registration of dealers, issuer/dealers, and investment advisers shall be filed on the forms prescribed by the Financial Services Commission in subsection 69W-301.002(7), F.A.C., and shall include all information required by such forms, any other information the Financial Services Commission or Office of Financial Regulation may require, and payment of the statutory fees required by Sections 517.12(10) and 517.131, F.S. Except as otherwise provided in Rule 69W-600.0091 or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier’s office of the Office of Financial Regulation. For dealers that are members of the National Association of Securities Dealers (NASD), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository (CRD)

of the NASD in accordance with Rule 69W-600.0091, F.A.C. For investment advisers, such application may be filed with the Office of Financial Regulation through the Investment Advisor Registration Depository (IARD) of the NASD in accordance with Rule 69W-600.0093, F.A.C.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. For registration as a dealer or issuer/dealer, a Uniform Application for Broker-Dealer Registration, Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. (Revised 7/99). For dealers that are members of the NASD, such application shall be filed with the Office of Financial Regulation through the CRD in accordance with Rule 69W-600.0091, F.A.C. For registration as an investment adviser, a Uniform Application for Investment Adviser Registration, Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. (Revised 1/1/01) shall be filed with the Office of Financial Regulation. Such application may be filed with the Office of Financial Regulation through the Investment Advisor Registration Depository (IARD) of the NASD in accordance with Rule 69W-600.0093, F.A.C.;

2. No change.

3. A Uniform Application for Securities Industry Registration or Transfer, Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. (Revised 3/02), to register at least one principal as set forth in Rule 69W-600.002, F.A.C. Evidence of current membership as a dealer with the NASD shall satisfy this requirement;

4. through 9. No change.

(2) through (4) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6),(7), 517.1205 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.01, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 11-14-93, 4-30-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, Formerly 3E-600.001, Amended \_\_\_\_\_.

69W-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or associated person shall be filed on Form U-4, ~~(Revised 3/02)~~ Uniform Application for Securities Industry Registration or Transfer, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. (Revised 8/99), ~~which is hereby incorporated by reference~~, and shall include all information required by such form, any other information the Office of Financial Regulation may require, and payment of the statutory fees required by Section 517.12(10), F.S. Except as otherwise provided in Rule 69W-600.0091, 69W-600.0092, or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date-stamped by the cashier's office of the Office of Financial

Regulation. For dealers that are members of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0091, F.A.C. For federal covered advisers, such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0092, F.A.C. For investment adviser applicants and registrants who file via the IARD, such application may be filed with the Office of Financial Regulation through the CRD of the NASD in accordance with Rule 69W-600.0093, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Uniform Application for Securities Industry Registration or Transfer, Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. (Revised 3/02). As used on the Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. (Revised 3/02), the term "Office of Employment Address" shall mean the location where the person seeking registration will regularly conduct business on behalf of the dealer or investment adviser. For dealers that are members of the NASD, such application shall be filed with the Office of Financial Regulation through the CRD of the NASD.

2. through 5. No change.

(c) If the information contained in any ~~Uniform Application~~ Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. (Revised 3/02) becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the dealer or investment adviser, as applicable, shall be responsible for correcting the inaccurate information within thirty (30) days. If the information being updated relates to the applicant's or registrant's disciplinary history, in addition to updating the ~~Uniform Application~~ Form U-4 ~~(Revised 3/02)~~, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., the associated person through the dealer or investment adviser shall also provide the Office of Financial Regulation with notice and copies of each civil, criminal or administrative action initiated against the associated person as provided in Rule 69W-600.010, F.A.C. For associated persons who have filed by using the CRD of the NASD, such amendments shall be made through the CRD of the NASD.

(2) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6),(7),(10), 517.1205 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended \_\_\_\_\_.



69W-600.004 Registration of Issuer/Dealers, Principals and Branch Offices.

(1) through (2) No change.

(3)(a) No change.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Form BR, Uniform Branch Office Registration Form, which is incorporated by reference under subsection 69W-301.002(7), F.A.C.

2. through 4. No change.

(c) If the information contained in any branch office registration form becomes inaccurate or incomplete for any reason before or after the branch office becomes registered, including changing the location of the branch office or the supervisory personnel thereof, the dealer or investment adviser shall amend the information by filing a complete and originally executed Form BR, Uniform Branch Office Form, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., OFR-DA-1-91 (Revised 11-91) with the Office of Financial Regulation within thirty (30) days of the change and denoting thereon that the information reported is an amendment to a previous filing. In lieu of filing Form BR OFR-DA-1-91, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., a registrant may amend the branch office registration information electronically at the time of renewal by following the applicable instructions on the Office of Financial Regulation's website ([www.fldfs.com/ofr](http://www.fldfs.com/ofr)) (~~[www.dbf.state.fl.us](http://www.dbf.state.fl.us)~~) on the Internet. Also, a registrant may change the address or terminate a branch office location by submission of the request in writing to the Office of Financial Regulation in lieu of filing Form BR, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., OFR-DA-1-91. Failure to file any amendment or written notification, as provided herein, shall be considered a violation of Section 517.12(13), F.S.

(d) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(5),(6),(10) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.04, Amended 10-14-90, 6-16-92, 1-11-93, 11-7-93, 11-14-93, 12-29-96, 10-20-97, 6-10-99, 8-19-99, 5-27-01, 7-31-02, Formerly 3E-600.004, Amended \_\_\_\_\_.

69W-600.007 Changes in Name and Successor Registration Requirements.

(1) Where only a change in the name of an applicant or registrant as dealer, investment adviser or associated person occurs, notices of such fact shall be filed as an amendment on the forms prescribed by the Office of Financial Regulation within thirty (30) calendar days of the date of such change. For registrants who are a member of the NASD, such amendment shall be filed with the Office of Financial Regulation through the CRD System pursuant to subsection 69W-600.001(2), F.A.C. Any amendments to organizational documents or

accompanying letters of explanation shall be promptly submitted directly to the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(2) Where there is a change in legal entity of a proprietary, partnership, or corporate registrant, the successor entity shall file with the Office of Financial Regulation an amendment to Form BD, Uniform Application for Broker-Dealer Registration, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., ~~(Revised 7/99)~~ or Form ADV, Uniform Application for Investment Adviser Registration, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., ~~(Revised 1/1/01)~~ within thirty (30) calendar days of the date of such change. For registrants who are a member of the NASD, such amendment shall be filed with the Office of Financial Regulation through the CRD System pursuant to subsection 69W-600.001(2), F.A.C. Any amendments to organizational documents, accompanying letters of explanation, or current financial statements of the successor shall be promptly submitted directly to the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(3) Merger Situations: Where there is a merger of dealer or investment adviser registrants involving (a) the assumption by the successor of substantially all assets and liabilities of the merged entities, and (b) the continuation of the activities of the merged entities successor entity, the merging entities shall file notification with the Office of Financial Regulation denoting such changes as are applicable within thirty (30) calendar days prior to the date of such change. The successor entity shall file an amendment to Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., ~~(Revised 7/99)~~ or Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., ~~(Revised 1/1/01)~~ denoting such changes as are applicable within thirty (30) calendar days of date of such change. For registrants who are a member of the NASD, each such amendment shall be filed with the Office of Financial Regulation through the CRD System pursuant to subsection 69W-600.001(2), F.A.C. A copy of the plan of merger/merger agreement, amended organizational documents, accompanying letters of explanation, or current financial statements of the successor (merged) entity shall be promptly provided directly to the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(4) Change of Control:

(a) Where a person or a group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a dealer or investment adviser registrant, and where the ~~acquirer acquirer~~ is currently registered with the Office of Financial Regulation, or where the ~~acquirer acquirer~~ has not within the preceding 10 years committed any reportable act as defined in Rule 69W-200.001, F.A.C., the resulting entity shall file with the Office of Financial Regulation an amendment to Form BD,

which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (~~Revised 7/99~~) or Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (~~Revised 1/1/01~~) denoting such changes as are applicable thirty (30) calendar days prior to the date of such acquisition. Any amended organizational documents, accompanying letters of explanation, or financial statements of the resulting entity shall be promptly filed directly with the Office of Financial Regulation when specifically requested by the Office of Financial Regulation.

(b) Where a person or a group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a dealer or investment adviser registrant, and where the acquirer ~~acquirer~~ has within the preceding 10 years committed any reportable act as defined in Rule 69W-200.001, F.A.C., and is not currently registered with the Office of Financial Regulation, the resulting entity shall prior to such acquisition file with the Office of Financial Regulation a new application for registration on the forms prescribed by the Office of Financial Regulation, together with all required exhibits and fees. Additionally, there shall be filed with the Office of Financial Regulation, at the time the new application is filed, a notice of withdrawal, termination or cancellation of registration of the acquired entity on the forms ~~therefor~~ prescribed by the Office of Financial Regulation, effective upon disposition of the new application by the Office of Financial Regulation. The Office of Financial Regulation may waive the requirements of this subsection where the Office of Financial Regulation determines it is not necessary, based upon the nature and substance of the proposed acquirer's ~~acquirer's~~ disciplinary history and experience, to require the filing of a new application for registration. Any person who receives a waiver of this subsection shall effect such change of control in compliance with the provisions of paragraph (a).

(c) No change.

(5) For the purposes of subsections (2) and (3) of this rule, in the event that a person(s) succeeds to and continues the business of a Florida registered dealer or investment adviser, the registration of the predecessor shall be deemed to remain effective as the registration of the successor for a period of thirty (30) calendar days after such succession, provided that an amendment to Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (~~Revised 7/99~~) or Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (~~Revised 1/1/01~~) ~~Application for Registration~~, together with the accompanying documents as prescribed heretofore, is filed by the successor within thirty (30) calendar days after such succession.

(6) For the purposes of subsections (1), (2), and (3), and paragraph (4)(a) of this rule, the effective registration of all associated persons and branch offices affiliated with the affected dealer or investment adviser registrant will be

transferred to the successor entity by the Office of Financial Regulation without necessitating the filing of new applications on behalf of such associated persons and branch offices, unless notice of termination is filed for such persons and branch offices by the successor pursuant to Rule 69W-600.008, F.A.C.

Specific Authority 517.03(1), 517.12(13) FS. Law Implemented 517.12(13) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.07(4), Amended 10-15-86, 12-8-87, 8-1-91, 6-16-92, 1-11-93, 6-22-98, 8-9-98, 6-10-99, 5-10-00, 7-31-02, Formerly 3E-600.007, Amended \_\_\_\_\_.

C.f. See Rule 3E-301.002(7) for forms referenced herein which have been previously adopted by the Department.

69W-600.008 Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent.

(1) Where a registrant withdraws, cancels, or otherwise terminates registration, or is terminated for any reason, notice of such fact shall be filed with the Office of Financial Regulation on the forms prescribed by the Financial Services Commission within twenty (20) calendar days of the date of termination.

(2) Any dealer which is a member of the National Association of Securities Dealers ("NASD") or any associated person of member firm shall file any withdrawals, cancellations, or terminations of registrations with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD.

(3) Any withdrawals, cancellations, or terminations of registrations for branch offices shall be filed directly with the Office of Financial Regulation as prescribed in paragraph 69W-600.004(3)(c), F.A.C.

(4) through (5) No change.

(6) The forms to be utilized for providing notice to the Office of Financial Regulation under subsections (1), (2) and (3) above, and which are incorporated by reference in Rule 69W-301.002, F.A.C., are:

(a) Notice of Withdrawal from Registration as Investment Adviser (Form ADV-W) (~~Revised 1/99~~).

(b) Uniform Request for Broker Dealer Withdrawal (Form BDW) (~~Revised 8/99~~).

(c) Uniform Branch Office Form (Form BR) Branch Office Registration Form (OFR-DA-1-91) (~~Revised 4/99~~).

(d) Uniform Termination Notice for Securities Industry Registration (Form U-5) (~~Revised 8/99~~).

Specific Authority 517.03(1) FS. Law Implemented 517.12(12)(b), 517.161(5) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.08, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 6-22-98, 6-10-99, 5-10-00, 5-27-01, Formerly 3E-600.008, Amended \_\_\_\_\_.

69W-600.0092 Investment Adviser Registration Depository for Federal Covered Advisers.

Wherever the Rules of this Office of Financial Regulation require the filing of applications, fees, and other documents with the Office of Financial Regulation, in lieu thereof, all federal covered advisers shall file such items as specified below:

(1) All federal covered advisers making, renewing, or terminating a notice filing in this state shall file the appropriate Form ADV, Uniform Application for Investment Adviser Registration, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1/1/01) or ADV-W, Notice of Withdrawal from Registration as Investment Adviser, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., ADVW (Revised 1/99) and the assessment fee required by Section 517.1201(1) or (2), F.S., with the Investment Adviser Registration Depository (“IARD”) of the NASD. When requested by the Office of Financial Regulation, Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1/1/01) Part 2, and all responses to any other request for additional information, shall be filed directly with the Office of Financial Regulation.

(2) Any notice filing made by a federal covered adviser with the Office of Financial Regulation through the IARD shall be deemed received by the Office of Financial Regulation upon receipt of the Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1/1/01) and the filing fee. The filing fee shall be deemed received by the Office of Financial Regulation on the “payment date” reflected on the CRD “disbursement detail” report.

(3) All amendments to the Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1/1/01), shall be filed with the Office of Financial Regulation through the IARD system.

(4) All federal covered advisers who notice file in this state and who request initial registration, renewal, reaffiliation or termination of an associated person of such federal covered adviser shall file the appropriate Form U-4, Uniform Application for Securities Industry Registration or Transfer, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 3/02) or Form U-5, Uniform Termination Notice for Securities Industry Registration, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 3/02) and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the NASD. However, any response to any request for additional information shall be filed directly with the Office of Financial Regulation.

(5) No change.

(6) All federal covered advisers currently registered with the Office of Financial Regulation shall transition the Florida registration of their associated persons onto the CRD before June 30, 2002. All associated persons who transition onto the CRD shall file a complete Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 3/02) through the CRD within 30 days of the transition date, unless the associated person has a current and complete Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 3/02) on the CRD with the federal covered adviser filing such transition.

Specific Authority 517.03, 517.12(6), 517.12(15), 517.1201 FS. Law Implemented 517.1201(1),(2),(15) FS. History—New 7-31-02, Formerly 3E-600.0092, Amended \_\_\_\_\_.

69W-600.0093 Investment Adviser Registration Depository for Investment Advisers.

Wherever the rules of this Office of Financial Regulation require the filing of applications, fees, and other documents with the Office of Financial Regulation, in lieu thereof, investment advisers may file such items as specified below:

(1) All investment advisers requesting initial registration, renewal or termination of registration in this state may file the appropriate Form ADV, Uniform Application for Investment Adviser Registration, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1/1/01) or ADV-W, Notice of Withdrawal from Registration as Investment Adviser, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., ADVW (Revised 1/99) and the assessment fee required by Section 517.12(10) or (11), F.S., with the Investment Adviser Registration Depository (“IARD”) of the NASDR. Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1/1/01), Part 2, and all responses to other requests for additional information, shall be filed directly with the Office of Financial Regulation.

(2) Any application for registration as an investment adviser filed with the Office of Financial Regulation through the IARD shall be deemed received by the Office of Financial Regulation upon receipt of the Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 1/1/01) and the filing fee. The filing fee shall be deemed received by the Office of Financial Regulation on the “payment date” reflected on the CRD “disbursement detail” report.

(3) All investment advisers registered in this state by the IARD requesting initial registration, renewal, reaffiliation or termination of an associated person of such investment adviser may file the appropriate Form U-4, Uniform Application for Securities Industry Registration or Transfer, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 3/02) or U-5, Uniform Termination Notice for Securities Industry Registration, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 3/02) and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the NASD. However, all responses to any requests for additional information shall be filed directly with the Office of Financial Regulation.

(4) All investment advisers currently registered with the Office of Financial Regulation who register their associated persons by the CRD shall transition the Florida registrations of their associated persons onto the CRD. All associated persons who transition onto the CRD shall file a complete Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., (Revised 3/02) through the CRD

within 30 days of the transition date, unless the associated person has a current and complete Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. (Revised 3/02) on the CRD with the investment adviser filing such transition.

(5) No change.

Specific Authority 517.03, 517.12(6),(15) FS. Law Implemented 517.12(10),(11),(15) FS. History--New 7-31-02, Formerly 3E-600.0093, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard A. White, Director of Securities and Finance, Office of Financial Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Commissioner, Office of Financial Regulation

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

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

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

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.:	RULE CHAPTER TITLE.:
14-15	Incorporation by Reference
RULE NO.:	RULE TITLE:
14-15.002	Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways

**NOTICE OF CHANGE**

SUMMARY OF CHANGE: The notice of rulemaking was published in Vol. 31, No. 26, dated July 1, 2005. There was no request for hearing. However, the following change is being made to include additional incorporated documents in response to a review by the Joint Administrative Procedures Committee:

14-15.002 Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

(1) The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, May, ~~2002~~ 2005, edition, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. A copy of the manual can be downloaded from the following website: <http://www.dot.state.fl.us/rddesign/Florida%20Greenbook/FGB.htm>. A certified copy has been filed with the Department of State. Copies of this Department

~~manual and any amendments thereto are available from the Department of Transportation, Maps and Publications Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450, at no more than cost.~~

(2) The following documents also are hereby incorporated by reference and made a part of this rule:

(a) AASHTO Standard Specifications for Highway Bridges, 17th Edition (2002). A copy of the manual may be ordered from the AASHTO Bookstore website: <https://bookstore.transportation.org/>.

(b) Sections 3.3.2, 3.14.1, 11 and 13 and Table 3.4.1-1 of AASHTO LRFD Bridge Design Specifications, 3rd Edition (2004). A copy of the manual may be ordered from the AASHTO Bookstore website: <https://bookstore.transportation.org/>.

(c) Sections 2.11 and 2.12 of Department of Transportation Structures Design Guidelines. A copy of the manual can be downloaded from the following website: <http://www.dot.state.fl.us/structures/StructuresManual/CurrentRelease/FDOTBridgeManual.htm>.

(d) AASHTO Guide Specifications for Structural Design of Sound Barriers (1989) with the 2002 Interim to Guide Specifications for Structural Design of Sound Barriers. A copy of the manual may be ordered from the AASHTO Bookstore website: <https://bookstore.transportation.org/>.

(e) AASHTO Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals (2001), except as noted in Chapter 17, Section H.2 of The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways. A copy of the manual may be ordered from the AASHTO Bookstore website: <https://bookstore.transportation.org/>.

(f) Chapter 4 of Department of Transportation Drainage Manual. A copy of the manual can be downloaded from the following website: <http://www.dot.state.fl.us/rddesign/dr/Manuals%20and%20handbooks.htm>.

Specific Authority 334.044(2), 336.045(1) FS. Law Implemented 336.045 FS. History--New 1-22-76, Amended 7-13-81, 6-24-84, Formerly 14-15.02, Amended 8-25-86, 11-29-89, 11-1-94, 5-15-01, 7-9-02, \_\_\_\_\_.

**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 CHAPTER NO.: 20-64      RULE CHAPTER TITLE:  
Standards for Processed Citrus  
Products

RULE NO.: 20-64.025      RULE TITLE:  
Florida Quality Systems  
Certification Program for  
Finished Product Inspection

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 31, No. 38, September 23, 2005, has been withdrawn.

**DEPARTMENT OF CITRUS**

RULE CHAPTER NO.: 20-70      RULE CHAPTER TITLE:  
Designating Grade on Container,  
Registration of Labels for Grade,  
and Notice of Labeling –  
Processed Products

RULE NO.: 20-70.006      RULE TITLE:  
Notice Required

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 31, No. 38, September 23, 2005, has been withdrawn.

**DEPARTMENT OF CITRUS**

RULE CHAPTER NO.: 20-71      RULE CHAPTER TITLE:  
Manifests for Processed Products

RULE NO.: 20-71.006      RULE TITLE:  
Manifest Requirements and  
Statements for Transports of  
Processed Citrus Products

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 31, No. 38, September 23, 2005, has been withdrawn.

**DEPARTMENT OF CITRUS**

RULE CHAPTER NO.: 20-72      RULE CHAPTER TITLE:  
Certificate of Grade Inspection –  
Processed Products

RULE NO.: 20-72.006      RULE TITLE:  
Hours of Inspection

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 31, No. 38, September 23, 2005, has been withdrawn.

**DEPARTMENT OF CITRUS**

RULE CHAPTER NO.: 20-72      RULE CHAPTER TITLE:  
Certificate of Grade Inspection –  
Processed Products

RULE NO.: 20-72.008      RULE TITLE:  
Form of Certificate of Grade  
Inspection

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 31, No. 38, September 23, 2005, has been withdrawn.

**DEPARTMENT OF CITRUS**

RULE CHAPTER NO.: 20-72      RULE CHAPTER TITLE:  
Certificate of Grade Inspection –  
Processed Products

RULE NO.: 20-72.010      RULE TITLE:  
Issuance of Certificates Under  
FQSC Program

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 31, No. 38, September 23, 2005, has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Facilities Management**

RULE CHAPTER NO.: 60H-1      RULE CHAPTER TITLE:  
Leases for Real Property

RULE NOS.: 60H-1.001      RULE TITLES:  
Definitions  
60H-1.002      Division Approval; When Required  
60H-1.003      Standard Lease Agreement Form  
60H-1.006      Escalation Clauses  
60H-1.007      Right-to-Terminate Clause  
Required  
60H-1.015      Leases of 5,000 Square Feet or  
More  
60H-1.017      Turnkey (Lease) Construction  
Program

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 31, No. 22, June 3, 2005, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Owen, Senior Management Analyst II, Facilities Management and Building Construction, 4050 Esplanade Way, Suite 335D, Tallahassee, Florida 32399-0950, (850)488-0439, Suncom 278-3239, e-mail: owenj@dms.state.fl.us

60H-1.001 Definitions.

For the purposes of this chapter, each of these words shall have the following meaning:

(1) through (12) No change.

(13) Standard Lease Agreement – The Department’s lease agreement, Form FM 4054, ~~document~~ incorporated by reference at rule subsection 60H-1.003(1), F.A.C. in this rule as form FM4054 (05/04).

(14) through (15) No change.

Specific Authority 255.249, 255.25, 255.503(11) FS. Law Implemented 255.25(2), 255.503 FS. History–New 8-11-75, Amended 8-27-75, 4-25-79, Formerly 13D-7.01, Amended 3-18-86, Formerly 13M-1.001, Amended 4-27-04, \_\_\_\_\_.

60H-1.002 Division Approval; When Required.

(1) No change.

(2) Exceptions:

(a) The Division’s approval need not be obtained for a lease of less than 5,000 square feet of space within a privately owned building or renewal of such a lease, provided the agency head has filed with the Division a certificate of compliance in accordance with Rule 60H-1.003, F.A.C., and provided further that such a lease which is for a term extending beyond the end of a fiscal year shall be subject to the provisions of Section 216.311, Florida Statutes.

(b) through (c) No change.

Specific Authority 255.249, 255.25, 255.503(11) FS. Law Implemented 255.249(2)(j),(k),(3), 255.25(2)(b),(7), 255.503 FS. History–New 8-11-75, Amended 4-25-79, Formerly 13D-7.02, Amended 3-18-86, Formerly 13M-1.002, Amended 2-21-96, 5-13-03, \_\_\_\_\_.

60H-1.003 Standard Lease Agreement Form.

(1) All agency leases shall be on the Department’s Standard Lease Agreement Form (FM Form 4054, effective August 11, 1975, as revised May, 2001 or May, 2004, which is hereby incorporated by reference into this rule).

(2) No provision of the Standard Lease Agreement may be changed or additional covenants or conditions added thereto without the prior written approval of the Division Director except for articles relating to lessor furnishing janitorial services, replacing light bulbs, and paying utility charges. Any agency request for changes or additions to the Standard Lease Agreement shall be submitted to the Division on Form FM 4113, effective \_\_\_\_\_, incorporated by reference at Rule 60H-1.003, F.A.C. in writing and state with reasonable particularity why the change or addition is necessary and in the best interest of the State as defined in subsection 60H-1.003(3), F.A.C. Unless the Division Director’s approval has been obtained in accordance with this rule, any such change or addition shall be null and void.

(3) Certificate of Compliance. Within 30 days after executing a lease of less than 5,000 square feet of space within a privately or publicly owned building, the agency head shall file with the Division on a form provided by the Division (Form FM 4113, effective \_\_\_\_\_ May 1996, as revised

January, 2003 and January, 2004, which is hereby incorporated by reference into this rule) a certificate stating that the lease is in compliance with all leasing criteria provided by Chapter 255, Florida Statutes. The certificate shall further state that the agency has determined that the lease is in the best interest of the State. As used in this section the phrase “the best interest of the state” shall mean:

(a) ~~The agency has either filed a Request for Prior Approval of Space Need pursuant to Rule 60H 1.022, Florida Administrative Code, and either:~~

~~1. The Division has approved the Request; or~~

~~2. If state-owned space is available in the same geographic region, the agency has enunciated reasons why such space would not enable the agency to fulfill its statutory duties;~~

~~(b) The rental rate for the space in the privately owned building is within the rental rate guidelines established by the Division;~~

~~(c) The space to be leased is the most cost effective space available to meet the agency’s needs.~~

(4) Exceptions. This rule shall not apply to:

(a) No change.

(b) Any agency lease for nominal or no consideration. As used herein, “nominal consideration” means consideration for \$1.00 or less. Nominal or no consideration leases shall be filed with the Division on a form provided by the Division Bureau (FM Form No. 4108, effective \_\_\_\_\_ July 1995, as revised January, 2003, which is hereby incorporated by reference into this rule).

(5) Change of Ownership. If ownership of a leased facility changes during the term of the lease, the Division of Property Management must be furnished certain pertinent information; i.e., a copy of the deed or other legal document effecting transfer of facility and disclosure form (FM Form No. 4114, effective \_\_\_\_\_ June 1995, as revised January, 2003, which is hereby incorporated by reference into this rule) completed by the new owner.

(6) No change.

Specific Authority 255.249(5), 255.25(2) FS. Law Implemented 255.249(2)(j),(k),(3), 255.25(2)(a),(b) FS. History–New 8-11-75, Amended 4-25-79, Formerly 13D-7.03, Amended 3-18-86, Formerly 13M-1.003, Amended 9-30-96, 5-13-03, 4-27-04, \_\_\_\_\_.

60H-1.006 Escalation Clauses.

No agency’s lease shall contain an open rate, including Consumer Price Index or rental escalation clause, except upon written approval of the Division Director ~~whom~~ will consider an escalation clause based upon written justification from the User Agency and the Agency’s Designated Representative ~~and in the best interests of the state as defined in subsection 60H-1.003(3), F.A.C.~~ User Agency justification shall ~~may~~ include, as applicable under the facts pertaining to each lease, but is not limited to, factors including such as the market rate for like properties, reduced costs for Lessor’s provided

services, separate utility metering, proximity to client citizens served or programmatic requirements that limit available lease options.

Specific Authority 255.25 FS. Law Implemented 255.25(2) FS. History—New 8-11-75, Amended 4-25-79, Formerly 13D-7.06, 13M-1.006, Amended 4-27-04,\_\_\_\_\_.

60H-1.007 Right-to-Terminate Clause Required.

The Standard Lease Agreement’s right-to-terminate clause, allowing the agency to terminate the lease with notice if public space becomes available, shall be a part of any lease for a term exceeding one year and may not be omitted from an agency’s lease, except upon written approval of the Division Director whom will consider a variation in the Right-to-Terminate clause based upon written justification from the User Agency and the Agency’s Designated Representative. User Agency justification ~~shall may~~ include, as applicable under the facts pertaining to each lease but is not limited to, factors including such as a negotiated lower lease rate in a county where no state-owned office facilities exist, proximity to client citizens served with minimal available space options or special programmatic needs not serviceable within local state-owned space.

Specific Authority 255.25 FS. Law Implemented 255.25(2) FS. History—New 8-11-75, Amended 4-25-79, Formerly 13D-7.07, 13M-1.007, Amended 5-13-03, 8-5-03, 4-27-04,\_\_\_\_\_.

60H-1.015 Leases of 5,000 Square Feet or More.

(1)(a) No change.

(b) No change.

1. through 6. No change.

7. Notwithstanding subparagraph 5. above, an agency may enter into a replacement lease or may renegotiate the terms and conditions of an existing lease for more than 5,000 square feet upon approval by the Division Director, if the replacement lease or modification is consistent in the best interests of the state as defined in subsection 60H-1.003(3), F.A.C., and ~~complies~~ with the requirements established in Section 255.25(3)(b), Florida Statutes.

(2)(a) No change.

(b) No change.

(3) Specifications.

(a) through (e) No change.

(4) Responses.

(a) through (b) No change.

(5) Evaluation.

(a) through (f) No change.

(6) Lease preparation and approval.

(a) through (b) No change.

Specific Authority 255.249(4) FS. Law Implemented 255.21, 255.249(2)(b),(4), 255.25(3),(5), 255.254 FS. History—New 4-25-79, Amended 4-19-83, Formerly 13D-7.092, Amended 3-18-86, Formerly 13M-1.015, Amended 2-21-96, 5-13-03, 4-27-04,\_\_\_\_\_.

60H-1.017 Turnkey (Lease) Construction Program.

(1) Concept. The turnkey system is a concept whereby the builder is usually a commercial developer and the procedure should provide for design of the building by the developer’s architect on the basis of performance specifications, concurrent design review, use of a developer-owned site and private financing. The turnkey system may include several features which can be expected to motivate effective performance. ~~Under~~ The State will not accept a building if it does not meet the requirements of the performance specifications. It is recommended that the turnkey (lease) construction system be used whenever and wherever State User Agency need arises and a determination has been made that existing space is not available. To implement use of this system, the Department requires the User Agency or the Agency’s Designated Representative to set forth its program construction requirements in a competitive solicitation, which will then be used by the User Agency or the Agency’s Designated Representative in the solicitation of responses from Developers. A public solicitation for responses shall be made by the User Agency or its designated representative. This solicitation will be widely publicized using newspapers, trade papers, and personal contact with leading Developers in the project city or area. In carrying out the public solicitation, all parties should be clearly informed that the User Agency, in conjunction with its designated representative, may conduct extensive negotiations with each Developer submitting a response within a competitive range, prior to the selection of an approved Developer.

(2)(a)-(f) No change.

Specific Authority 255.249, 255.25 FS. Law Implemented 255.25(1),(2)(a) FS. History—New 8-11-75, Formerly 13D-7.10, Amended 3-18-86, Formerly 13M-1.017, Amended 2-21-96, 4-27-04,\_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.:  
64B5-4.002

RULE TITLE:  
Advertising and Soliciting by  
Dentists

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 28, July 17, 2005 issue of the Florida Administrative Weekly. The changes are being made in response to comments from the Joint Administrative Procedures Committee. The changes are as follows:

Paragraph (7) shall read as follows: No licensee may use, or cause the use of, the term “sleep dentistry” in any advertisement, unless the licensee possesses a valid general anesthesia permit issued by the Board of Dentistry pursuant to the requirements of subsection 64B5-14.003(1) and Rule 64B5-14.005, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32354-3258

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-16.002  
RULE TITLE: Required Training  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, as noticed in Vol. 31, No. 24, June 17, 2005, Florida Administrative Weekly, has been withdrawn.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NOS.: 69O-186.003, 69O-186.004, 69O-186.005  
RULE TITLES: Title Insurance Rates, Classification of “Certificates of Title” as a Respective Type of Title Insurance Contract and Promulgation of a Specific Rate Schedule Applicable Thereto, Premium Schedule Applicable to “Truth in Lending” and Other Endorsements

**NOTICE OF CORRECTION**

The time for the rule development workshop for the above rules was inadvertently published in the September 23, 2005, Vol. 31, No. 38, FAW as 1:00 a.m. The correct date and time for the rule development workshop is:

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., October 28, 2005  
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

**Section IV  
Emergency Rules**

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

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

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 597, 14 CARAT CASH  
RULE NO.: 53ER05-74  
SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 597, “14 CARAT CASH,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-74 Instant Game Number 597, 14 CARAT CASH.

(1) Name of Game. Instant Game Number 597, “14 CARAT CASH.”

(2) Price. 14 CARAT CASH lottery tickets sell for \$2.00 per ticket.

(3) 14 CARAT CASH lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning 14 CARAT CASH lottery ticket, the ticket must meet the applicable requirements of Rule 53ER05-73, F.A.C.



(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX
<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN	<b>11</b> ELEVN	<b>12</b> TWELV
<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SVNTN	<b>18</b> EGHTN
<b>19</b> NINTN	<b>20</b> TWENTY				



(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX
<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN	<b>11</b> ELEVN	<b>12</b> TWELV
<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SVNTN	<b>18</b> EGHTN
<b>19</b> NINTN	<b>20</b> TWENTY				

(6) The prize symbols and prize symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$5.00</b>	<b>\$10.00</b>	<b>\$20.00</b>
TICKET	ONE	TWO	FIVE	TEN	TWENTY
<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$1,000</b>	<b>\$10,000</b>	
THY FIVE	FIFTY	ONE HUN	ONE THO	TEN THO	

(7) The legends are as follows:

YOUR NUMBERS      WINNING NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches either number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to 10 sets of matching numbers.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$1,000 and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who

submits by mail a 14 CARAT CASH lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.



(c) A ticket having a "WIN" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$50.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 597 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$2 TICKET	10.00	756,000
\$2	\$2	37.50	201,600
\$2 x 2	\$4	25.00	302,400
\$1 + (\$2 x 2)	\$5	37.50	201,600
\$5	\$5	37.50	201,600
\$1 + (\$2 x 2) + \$5	\$10	75.00	100,800
(\$1 x 8) + \$2	\$10	150.00	50,400
\$10	\$10	150.00	50,400
\$25	\$25	150.00	50,400
(\$5 x 2) + (\$10 x 4)	\$50	1,800.00	4,200
\$5 x 10	\$50	1,800.00	4,200
\$50 (DOLLAR BILL)	\$50	450.00	16,800
\$10 x 10	\$100	3,600.00	2,100
(\$25 x 2) + \$50 (DOLLAR BILL)	\$100	3,600.00	2,100
\$100	\$100	3,600.00	2,100
(\$20 x 6) + (\$10 x 3) + \$50 (DOLLAR BILL)	\$200	12,000.00	630
\$100 x 10	\$1,000	630,000.00	12
\$1,000	\$1,000	630,000.00	12
\$1,000 x 10	\$10,000	3,780,000.00	2
\$10,000	\$10,000	3,780,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 597 are 1 in 3.88. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 597, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a 14 CARAT CASH lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for 14 CARAT CASH lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History--New 9-30-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 30, 2005

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 619, MONEY TREE  
 RULE NO.: 53ER05-75

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 619, "MONEY TREE," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-75 Instant Game Number 619, MONEY TREE.

(1) Name of Game. Instant Game Number 619, "MONEY TREE."

(2) Price. MONEY TREE lottery tickets sell for \$1.00 per ticket.

(3) MONEY TREE lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning MONEY TREE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER05-73, F.A.C.

(4) The play symbols and play symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$4.00</b>	<b>\$5.00</b>
TICKET	ONE	TWO	FOUR	FIVE
<b>\$10.00</b>	<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$500</b>
TEN	THY FIV	FIFTY	ONE HUN	FIVE HUN

(5) Determination of Prizewinners.

(a) A ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount. The prize amounts are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100 and \$500.

(b) A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 instant ticket except as follows. A person who submits by mail a MONEY TREE lottery ticket that entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(6) The estimated odds of winning, value, and number of prizes in Instant Game Number 619 are as follows:

GAME PLAY TICKET	WIN \$1 TICKET	ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
\$1	\$1	10.00	1,008,000
\$2	\$2	15.00	672,000
\$4	\$4	25.00	403,200
\$5	\$5	100.00	100,800
\$10	\$10	30.00	336,000
\$25	\$25	150.00	67,200
\$50	\$50	300.00	33,600
\$100	\$100	3,600.00	2,800
\$500	\$500	30,000.00	336
		288,000.00	35

(7) The estimated overall odds of winning some prize in Instant Game Number 619 are 1 in 3.84. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(8) For reorders of Instant Game Number 619, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(9) By purchasing a MONEY TREE lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(10) Payment of prizes for MONEY TREE lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 9-30-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 30, 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****Division of Family Health Services**

RULE TITLE:

RULE NO.:

Distributions of 2005-06 Flu Vaccines

64FER05-04

**SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Influenza, commonly called “the flu”, is an infection of the respiratory tract caused by the influenza virus. Most people who get the flu recover completely in one to two weeks, but some people develop serious and potentially life-threatening medical complications such as pneumonia. In an average year, influenza is associated with more than 36,000 deaths nationwide according to the U.S. Centers for Disease Control and Prevention, and more than 100,000 hospitalizations. Much of the illness and death caused by influenza can be prevented by annual influenza vaccinations.

Influenza vaccine distribution delays or vaccine supply shortages have occurred in the United States in three of the last five influenza seasons. Four manufacturers are presently expected to provide influenza vaccine to the U.S. population during the 2005-06 influenza season. However, because of the uncertainties regarding production of influenza vaccine, the exact number of available doses and timing of vaccine distribution for the 2005-06 influenza season remains unknown.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** The normal distribution channel for prescription drugs, which includes influenza vaccines, is from the manufacturer to a wholesaler to the end-user practitioner (health care entity). As a general rule, both federal and Florida law prohibit the distribution or redistribution of prescription drugs by health care entities such as hospitals and licensed medical practitioners. One exception to the prohibition against the wholesale distribution of prescription drugs by health care entities is for “emergency medical reasons”. The federal Food and Drug Administration has determined that the possibility of shortages or delays in the distribution of influenza vaccine this influenza season constitutes emergency medical reasons within the meaning of Section 503(c)(3)(B)(iv) of the federal Food, Drug, and Cosmetic Act and therefore has authorized a health care entity to redistribute influenza vaccine this influenza season.

The Florida Drug and Cosmetic Act, Chapter 499, F.S., has a similar provision in Section 499.012(1)(a)2.b., F.S., for the “emergency medical reasons” exemption to the prohibition against the wholesale distribution of prescription drugs by health care entities if the distribution is conducted in accordance with rules established by the department. Rule authority appears in Section 499.05(1)(i), F.S., to implement an emergency medical reason exemption. This emergency rule provides the mechanism to allow for health care entities in or

outside Florida with vaccine surpluses to distribute their excess usable product to health care entities in Florida or outside Florida experiencing vaccine shortages so that health care providers can vaccinate people at the highest risk of complications before October 24, 2005, and to effectively plan and deliver vaccine to others desiring vaccination in a timely manner before demand declines.

**SUMMARY OF THE RULE:** This emergency rule authorizes the distribution of surplus influenza vaccine by health care entities in Florida or other parts of the country to other health care entities in or outside Florida during the 2005-06 flu season.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Jerry Hill, Chief, Bureau of Statewide Pharmaceutical Services, Department of Health, 2818-A Mahan Drive, Tallahassee, Florida 32308

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

64FER05-4 Distributions of 2005-06 Flu Vaccines.

Due to demands for influenza vaccinations and the uncertainty in the exact number and availability of influenza vaccines for the 2005-06 influenza season that could impact availability to persons identified in the priority groups in subsection (4) below, from October 3, 2005, through January 1, 2006, health care entities, as defined in Section 499.003(21), F.S., in Florida are authorized under the emergency medical reasons exemption in Section 499.012(1)(a)2.b., F.S., to sell or transfer influenza vaccine to other health care entities or to purchase or receive influenza vaccine from other health care entities in the United States under the following conditions:

(1) All influenza vaccine sold or transferred under this authorization must not be adulterated. All storage and handling requirements of the vaccine must have been maintained at all times, including periods of shipment and transit.

(2) Trivalent Inactivated Influenza Vaccine (TIV) is to be stored and shipped at 35° to 46° F (2°-8° C), or as otherwise indicated in the labeling. Influenza vaccine cannot be frozen or exposed to freezing temperatures. Live Attenuated Influenza Vaccine (LAIV) is to be shipped frozen in insulated container with dry ice at 4°F (-20°C) or colder. It should be shipped with a WarmMark™ temperature indicator which should be white upon arrival. LAIV must be maintained in a continuously frozen state at 5°F (-15°C) or colder and requires careful monitoring.

(3) Records of the receipt and subsequent sale or transfer of the vaccine must be maintained by each health care entity and be readily available and readily retrievable as defined in paragraph 64F-12.001(2)(o), Fla. Admin. Code, for a period of two years after the distribution. At a minimum these records should include:

- (a) Vaccine brand;
- (b) Manufacturer;
- (c) Number of doses transferred by lot number;
- (d) The person from whom the doses were received, including the address and permit or license number;
- (e) The person to whom the doses were sold or transferred, including the address and permit or license number;
- (f) Date of the sale or transfer; and
- (g) The full cost of the sale or transfer.

(4) Trivalent inactivated influenza vaccine (TIV) transferred pursuant to this emergency rule is to be used on persons in the following priority groups until October 24, 2005: persons aged 65 years or older with or without comorbid conditions; persons younger than 65 years with comorbid conditions; residents of long-term care facilities; persons aged 2 to 64 with comorbid conditions; children aged 6-23 months; pregnant women; health-care personnel who provide direct patient care; persons with household contact and out-of-home caregivers of children younger than 6 months. In addition, without regard to a timeframe or vaccine type, persons aged 6 months or older who have been displaced by hurricane Katrina and are living in crowded group settings are to be given priority.

(5) Live attenuated influenza vaccine (LAIV) is to be administered to healthy persons aged 5-49 years who are not pregnant, including health-care workers who are not caring for severely immunocompromised patients in special-care units, at any time and the TIV vaccination may be administered to these non-priority persons after October 24, 2005.

Specific Authority 499.05(1)(i) FS. Law Implemented 499.012(1)(a)2.b. FS. History—New 10-4-05.

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON FILING WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: October 4, 2005

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

### DEPARTMENT OF EDUCATION

The Commission for Independent Education hereby gives notice that it has received a petition, filed on August 20, 2005, from International School of Midwifery seeking a permanent waiver or variance of subsection 6E-2.004(6), F.A.C., with respect to the requirement for a financial review.

Comments on this petition should be filed with Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, FL 32301, within 14 days of publication of this notice.

For a copy of the petition, contact: Samuel Ferguson, Executive Director, Commission for Independent Education, at above address or telephone (850)245-3200.

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

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

### WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District hereby gives notice that it received a petition for variance on October 4, 2005 from Town Center Partners, Ltd. Pursuant to Section 120.542, F.S., Town Center Partners, Ltd. is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), with respect to Environmental Resource Permit (ERP) Application 4-009-63572-16. The permit applicant is proposing to construct a residential development project, known as Amberwood and Wellington Subdivisions in Brevard County. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters.

Comments on this petition should be filed with Sandy Bertram, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2005-93.

For a copy of the petition or additional information, contact: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488.

The St. Johns River Water Management District hereby gives notice that it received a petition for variance on October 4, 2005 from Citrus Trace Holdings LLC. Pursuant to Section 120.542, F.S., Citrus Trace Holdings LLC. is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), with respect to Environmental Resource Permit (ERP) Application 4-009-97757-1. The permit applicant is proposing to construct a residential development project including a road extension, known as Citrus Trace Development in Brevard County.

Subparagraph 40C-41.063 (1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters.

Comments on this petition should be filed with Sandy Bertram, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2005-92.

For a copy of the petition or additional information, contact: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488.

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The St. Johns River Water Management District hereby gives notice that it received a petition for variance on October 4, 2005 from Town Center Partners, Ltd. Pursuant to Section 120.542, F.S., Town Center Partners, Ltd. is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), with respect to Environmental Resource Permit (ERP) Application 4-009-63572-18. The permit applicant is proposing to construct a residential subdivision with commercial outparcels, roadways and infrastructure known as Holly Trace at Bayside Lakes Subdivision in Brevard County. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters.

Comments on this petition should be filed with Sandy Bertram, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2005-91.

For a copy of the petition or additional information, contact Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488.

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The St. Johns River Water Management District hereby gives notice that it received a petition for variance on September 30, 2005 from F & T Minton, L.L.C. Pursuant to Section 120.542, F.S., F & T Minton, L.L.C. is seeking a variance from subparagraph 40C-41.063(1)(c)1. and 40C-4.301(1)(k), F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), with respect to Environmental Resource Permit (ERP) Application

4-009-75444-2. The permit applicant is proposing to construct a commercial retail project, including parking spaces, known as The Shoppes at Minton, in Brevard County. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. Paragraph 40C-4.301(1)(k), F.A.C., requires permit applicants for an ERP to comply with any applicable special basin criteria established in Chapter 40C-41, F.A.C.

Comments on this petition should be filed with Sandy Bertram, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2005-90.

For a copy of the petition or additional information, contact: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488.

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NOTICE IS HEREBY GIVEN that on October 3, 2005, South Florida Water Management District (District) received a petition for waiver from Simon Schwartz, Application No. 05-0805-2, for utilization of Works or Lands of the District known as the C-10 Canal, Broward County for an existing seawall and proposed dock within the west right of way of C-10 at the rear of 2702 Lee Street, Section 9, Township 51 South, Range 42 East. The petition seeks relief from paragraph 40E-6.221(2)(j), F.A.C., which governs the minimum low member elevation of docks 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.

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NOTICE IS HEREBY GIVEN that on September 29, 2005 South Florida Water Management District (District) received a petition for waiver from Mr. and Mrs. Steven M. Davis, Application No. 05-0927-1, for utilization of Works or Lands of the District known as the C-100C Canal, Miami-Dade County for the proposed installation of fencing along the C-100C Cutler Drain Canal, Section 22, Township 55 South, Range 40 East. The petition seeks relief from subsections 40E-6.011(4) and (6) and paragraphs 40E-6.221(2)(a),(j), A

F.A.C., which governs the placement of permanent and/or semi-permanent above-ground 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.

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#### **DEPARTMENT OF ELDER AFFAIRS**

NOTICE IS HEREBY GIVEN that on September 19, 2005, the Department of Elder Affairs received a Petition for Waiver of paragraph 58A-5.023(4)(d), F.A.C., from Renaissance Manor, Inc. The Petitioner requests a waiver from the requirements regarding the ingress and egress from resident bedrooms that are designated for multiple occupancy.

A copy of the Petition can be obtained from: Susan Rice, Department of Elder Affairs, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000.

The Department 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 5:00 p.m., on the 14th day at the Department of Elder Affairs, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000, Attn: Susan Rice.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Bureau of Elevator Safety hereby gives notice that on September 12, 2005, it Issued an Order Granting Emergency Variance Request in response to a petition filed on September 8, 2005, (as advertised in FAW Vol. 31, No. 38) by Jennifer Kearney of Florida Lifts, regarding DAVCO Electric (VW 2005-136), seeking a waiver from Rule 2000.7a of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to have a vertical wheelchair lift with a travel distance of 13 feet thus exceeding the maximum 12 feet by one foot. The variance was granted as it was determined that the 12 feet limit was established arbitrarily and that the lift was designed and certified to travel up to 14 feet safely.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN that on September 14, 2005, the Bureau of Elevator Safety received a Petition for Variance from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C., which require a machine room, steel ropes and non welded terminations, from Patricia Serley of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: Elation at the Grand Sandestin, Sandestin (Petition VW 2005-140).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

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NOTICE IS HEREBY GIVEN that on September 20, 2005, the Bureau of Elevator Safety received a Petition for Variance from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C., which require a machine room, steel ropes and non welded terminations, from Rick Dayton of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: Seacrest Condominium, New Smyrna Beach (Petition VW 2005-142).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

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The Bureau of Elevator Safety hereby gives notice that it issued an Order Granting Variance Request on September 6, 2005, in response to a petition filed on June 7, 2005, by Randy Brownell of Hardin Construction regarding the CNL Tower II and Parking Garage. The petition sought a waiver from Rule 101.4 of ASME 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C., and requested to be allowed to have cable trays reduce the clear headroom in three areas of the machine room 4 inches below the required 7 feet. The petition was granted because the poured concrete construction did not allow for the cables to be recessed and because the trays would be marked so as to provide sufficient warning for anyone working in the area.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-220.

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The Bureau of Elevator Safety hereby gives notice that on August 23, 2005, it issued nine Orders Granting Variance Requests in response to petitions filed on May 26, 2005 and advertised in FAW Vol. 31, No. 23, by Robert Gerdt of Otis Elevator regarding Bel Mare at Riviera Dunes, Phases 1, 2 and 3, Groups 1, 2, and 3, Elevators 1, 2, and 3 (VW2005-085 through 2005-093). The petitions sought waivers from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on August 31, 2005, it Issued an Order Granting Variance Request in response to a petition filed June 2, 2005 and advertised in FAW Vol. 31, No. 27, by Steve Powell of KONE, Inc. regarding Holiday Inn Express, Bartow, FL. The variance granted a waiver from Rules 100.3a, 101.6, of ASME A17.1, 1996 Edition with 1997 Addenda and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Rule 61C-5.001, F.A.C. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

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The Bureau of Elevator Safety hereby gives notice that on September 6, 2005, it Issued an Order Granting Variance Request in response to a petition filed June 8, 2005 and advertised in FAW Vol. 31, No. 28, by Steve Powell of KONE, Inc. regarding SPC Downtown Center, St. Petersburg, FL. The variance granted a waiver from Rules 100.3a, 101.6, of ASME A17.1, 1996 Edition with 1997 Addenda and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Rule 61C-5.001, F.A.C. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on September 12, 2005, it Issued an Order Granting Variance Request in response to a petition filed June 20, 2005 and advertised in FAW Vol. 31, No. 29, by Steve Powell of KONE, Inc. regarding Marina Village Phase 2, in Merritt Island, FL. The variance granted a waiver from Rules 100.3a, 101.6, of ASME A17.1, 1996 Edition with 1997 Addenda and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Rule 61C-5.001, F.A.C. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on August 18, 2005, it Issued an Order Granting Variance Request in response to a petition filed May 20, 2005 and advertised in FAW Vol. 31, No. 25 by Steve Powell of KONE, Inc. regarding Wellington Medical Center Parking Garage, Wellington, FL. The variance granted a waiver from Rules 100.3a, 101.6, of ASME A17.1, 1996 Edition with 1997 Addenda and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Rule 61C-5.001, F.A.C. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Board of Professional Engineers hereby gives notice that it has received a Petition for Variance or Waiver filed on September 13, 2005 on behalf of the State of Florida, Department of Transportation (FDOT). Pursuant to Chapter 28-104, F.A.C. and Section 120.542, F.S., Petitioner seeks a waiver of the provisions of Rules 61G15-22.011 and 61G15-22.014, F.A.C. Specifically, and as a consequence of an error on the part of FDOT, the Petitioner requests a temporary waiver to the extent that these rules would require the continuing education provider status of FDOT to have lapsed as of June 1, 2005, for failure to timely reapply for its certification pursuant to the requirements of the rules. This request is made considering hardship circumstances facing class registrants.

Copies of the petition may be obtained by writing: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301.

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The Board of Professional Engineers hereby gives notice that it has received a Petition for Variance or Waiver filed on September 19, 2005 on behalf of D. Gregory Ruck. Pursuant to Chapter 28-104, F.A.C. and Section 120.542, F.S., Petitioner seeks a waiver of the provisions of Rule 61G15-20.006, F.A.C., which is entitled "Educational Requirements." Specifically, the Petitioner requests a waiver of this rule to the effect that his engineering degree, although not accredited by the Accreditation Board for Engineering and Technology (ABET), be accepted by the Board for reasons set forth in the petition.

Copies of the petition may be obtained by writing: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Massage Therapy hereby gives notice that it has received a petition filed on September 29, 2005, by Rita Cianfrocco, seeking a waiver from Rules 64B7-32.002, 64B7-32.003 and 64B7-32.004, F.A.C., and the required documentation for completion of the education requirements for licensure as a massage therapist in Florida.

Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06 Tallahassee, Florida 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact Pamela E. King, Executive Director, Board of Massage Therapy, at the above address.

The Board of Massage Therapy hereby gives notice that it has received a petition filed on September 29, 2005, on behalf of Joan Fitzsimmons, an applicant for massage therapist licensure in Florida, seeking a waiver from Rule 64B7-25.004, F.A.C., and the education and examination requirements for licensure by endorsement as a massage therapist in Florida.

Comments on this petition should be filed with Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact Pamela E. King, Executive Director, Board of Massage Therapy, at the above address.

The Board of Medicine hereby gives notice that it has received a petition filed on behalf of Michael Cappiello III, M.D., on September 30, 2005, seeking a variance from Rule 64B8-4.009, F.A.C., with regard to verification of medical school education. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on October 4, 2005, Florida Housing Finance Corporation received a Petition for waiver of paragraph 67-21.008(1)(g), F.A.C., from FWB Magnolia Pointe, Ltd. ("Petition"). The Petition is seeking a variance from the rule which provides for the submittal of year end financial statements.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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

**DEPARTMENT OF STATE**

The **Museum of Florida History Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 21, 2005, 9:00 a.m. – conclusion

PLACE: Wachovia Bank, 225 Water Street, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board and general business meetings of the Friends of Historic Properties & Museums, Inc.

A copy of the agenda may be obtained by contacting: Lori Johnson, 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6445, e-mail: [lmjohnson@dos.state.fl.us](mailto:lmjohnson@dos.state.fl.us).



Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review.

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

DATE AND TIME: Monday, November 7, 2005, 1:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a general business meeting of the Florida Historical Commission.

DATES AND TIME: Tuesday, November 8, 2005; Wednesday, November 9, 2005; Thursday, November 10, 2005, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications submitted to the Bureau of Historic Preservation by May 31, 2005 for Special Category grant assistance for historic preservation projects, and to recommend priority ranking and funding levels for grant awards.

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

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, F.S., people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact the Bureau of Historic Preservation, (850)245-6333, Fax (850)245-6437.

The **Finance Committee of the Friends of Historic Properties and Museums, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 21, 2005, 7:30 a.m.

PLACE: Wachovia Bank, 225 Water Street, 11th Floor, Jacksonville, FL 32201

GENERAL SUBJECT MATTER TO BE CONSIDERED: Banking Services.

## DEPARTMENT OF LEGAL AFFAIRS

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

COMMITTEE: WHOF Committee

DATE AND TIME: October 19, 2005, 10:00 a.m.

COMMITTEE: Executive Committee

DATE AND TIME: October 20, 2005, 10:00 a.m.

COMMITTEE: Full Comm/Awards & Rec. Committee

DATE AND TIME: October 20, 2005, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

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

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.

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

The **Florida Elections Commission** announces a meeting to which all interested persons are invited to participate. Parts of the meeting are confidential.

DATES AND TIMES: Thursday, November 17, 2005, 8:30 a.m. – 6:00 p.m.; Friday, November 18, 2005, 8:30 a.m. – 5:00 p.m.

PLACE: Turnbull Conference Center, 555 W. Pensacola Street, Room 244, Tallahassee, Florida 32306-1640

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104, 105.071 and 106, F.S., and to the late filing of campaign treasurer's reports.

For a copy of the agenda call: Patsy Rushing, (850)922-4539.

If you need an accommodation because of disability in order to participate, please call Patsy Rushing at least 48 hours before the meeting.

If a person decides to appeal any decision of the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and will need to assure that a verbatim record of the proceedings is made.

**DEPARTMENT OF AGRICULTURE AND COMSUMER SERVICES**

The **Florida Agriculture in the Classroom**, Inc., Board of Directors announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: Tuesday, November 1, 2005, 10:00 a.m.

PLACE: University of Florida/IFAS Apopka Research Center, 2725 Binion Road, Apopka, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: For a regularly scheduled board meeting.

**DEPARTMENT OF EDUCATION**

The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting, to which all persons are invited.

COMMITTEE: Art Selection Committee

DATE AND TIME: October 27, 2005, 10:00 a.m. – 2:00 p.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, Boca Raton Campus, CO-110, 777 Glades Road, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting regarding Florida's Art in State Buildings Program for BT-621 Computer Center Expansion/Remodeling.

For more information or to obtain a copy of the agenda, please contact: Rachel Slaw, Program Administrator for Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, ADM Bldg., Room 392, Boca Raton, Florida 33431, (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

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: Rachel Slaw, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT: 1(800)955-8770.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, October 22, 2005, 9:00 a.m.

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2200.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

The Florida **Department of Education**, Office of Independent Education and Parental Choice announces a public hearing of the Charter School Appeal Commission to which all persons are invited.

DATE AND TIME: October 28, 2005, 9:00 a.m. – completion

PLACE: Capitol Building, LL-03, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Charter School Appeal Commission hearing on the termination of Riveria Beach Academy Charter School, Delray – Boynton Academy, Inc. and Wilbesan Charter School, Inc.

Special Accommodations: Persons with disabilities who require assistance to participate in these hearings are requested to contact: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

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

DATE AND TIME: October 27, 2005, 10:00 a.m. – 2:00 p.m.

PLACE: Sheraton Suites – Tampa Airport, 4400 West Cypress Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Apprenticeship Advisory Council will hold a meeting to discuss general items relating to apprenticeship in Florida.

The agenda includes follow-up actions from previous council meetings on subjects of committee structure, assignments and responsibilities. The program will include an apprenticeship update relative to apprentices and programs registered in Florida.

A copy of the agenda may be obtained by contacting: Yvette Hargreaves, (850)245-9469, e-mail: yvette.hargreaves@fldoe.org.

Any persons requiring special accommodations to attend this meeting because of a disability or physical impairment may contact Yvette Hargreaves, (850)245-9469, at least seven days in advance so their needs can be accommodated.

The **Florida Institute of Phosphate Research** announces a meeting of the Board of Directors to which all persons are invited.

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

PLACE: FIPR – Education Building, 1855 West Main Street, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider funding of research proposals and other business pertaining to the operation of the Institute.

A copy of the minutes of the July 22, 2005 Board Meeting may be obtained by writing: Dr. Paul R. Clifford, Executive Director, Florida Institute of Phosphate Research, 1855 West Main Street, Bartow, FL 33830

READVERTISEMENT – The **Florida Rehabilitation Council** announces the following meetings to which all interested persons are invited to participate.

MEETING: 2007 Public Forums CYCLE #1

DATE AND TIME: November 2, 2005, 5:00 p.m. – 7:00 p.m.

PLACE: Largo, FL

DATE AND TIME: November 2, 2005, 11:00 a.m. – 1:00 p.m.

PLACE: Tampa, FL

DATE AND TIME: December 1, 2005, 11:00 a.m. – 1:00 p.m.

PLACE: Gainesville, FL

DATE AND TIME: December 1, 2005, 5:00 p.m. – 7:00 p.m.

PLACE: Lake City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Coordination Committee.

NOTE: You may obtain information regarding these meetings by contacting: DVR Headquarters, ATTN: Vee Rhoden, 2002 A Old St. Augustine Road, Tallahassee, FL 32301-4862

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397. Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or

commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

#### DEPARTMENT OF LAW ENFORCEMENT

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

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

PLACE: Downtown Courthouse, 330 East Bay Street, Room 220, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Criminal and Juvenile Justice Information Systems Council will conduct the first 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.

#### DEPARTMENT OF TRANSPORTATION

NOTICE OF CANCELLATION – The **Department of Transportation** announces the cancellation of the Steering Committee Meeting, which was scheduled for:

DATE AND TIME: October 17, 2005, 9:00 a.m. – 6:00 p.m.

PLACE: Crown Plaza Hotel, 7800 Universal Boulevard, Orlando, Florida 32819

Notice of this meeting was published in Florida Administrative Weekly, Vol. 31, No. 39, dated September 30, 2005.

The Steering Committee was responsible for developing recommendations for the 2025 Florida Transportation Plan and the Committee concluded its work on September 29, 2005, so the October 17, 2005, meeting is no longer needed. The Florida Transportation Plan establishes long-range goals that will guide the investment of over \$100 billion in Florida's transportation system over the next 20 years. The Florida

Department of Transportation is updating this Plan to respond to new trends and challenges to meet the future mobility needs of Florida's residents, visitors and businesses.

For more information about this Plan, please visit the FTP Website: [www.ftp2025.com](http://www.ftp2025.com) or contact: Lisa Stone, (850)414-4562, e-mail: [lisa.stone@dot.state.fl.us](mailto:lisa.stone@dot.state.fl.us).

Public participation is solicited without regard to race, color, religion, sex, age, national origin, disability or family status.

The **Department of Transportation**, District 5 announces a public hearing to which all persons are invited.

DATE AND TIMES: November 3, 2005, 6:00 p.m. – 6:30 p.m. – Open House; 6:30 p.m. – Formal Presentation

PLACE: Greater Orlando Aviation Authority Board Room, Orlando International Airport, One Airport Boulevard, Third Floor, A-Terminal, Outside Gates 60-129, Orlando, Florida 32827

NOTE: Participants will not be charged for parking when exiting lots. Please present parking pass at meeting location so that it can be validated.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Financial Project ID Number 415349-1-22-01, otherwise known as the Orlando International Airport Intermodal Center Project Development and Environment Study, in Orange County, Florida. The project lies wholly within the boundaries of the Orlando International Airport and considers the impacts and conceptual design of two Intermodal Centers, one at the airport's North Terminal and one at the proposed South Terminal, and the associated high speed rail and light rail transit alignments within the property. The Florida Department of Transportation, District Five, will present the Project Development and Environment Study findings regarding the alternatives for the Intermodal Center project.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should contact: Ms. Tawny Olore, P.E., Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, Florida 32720, (386)943-5707.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may also be obtained by writing to Ms. Tawny Olore at the above address.

**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."

Notice is hereby given that the **Department of Environmental Protection, Board of Trustees of the Internal Improvement Trust Fund** of the State of Florida, or designee, is proposing the establishment of an Erosion Control Line, pursuant to Section 161.161, F.S., will hold a Public Workshop to which all interested persons are invited to participate.

DATE AND TIME: October 24, 2005, 6:00 p.m. – Public Workshop; 6:30 p.m. – Public Hearing

PLACE: Walton County Tourist Development Center, 25777 Highway 331, South, Santa Rosa Beach (Walton County), FL 32459

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the purpose of considering evidence bearing on the location of a proposed Erosion Control Line for the beach erosion control project known as the Walton County Beach Restoration Project. The location of the proposed Erosion Control Line is as follows:

The proposed Erosion Control Line lies along Western Walton County, Florida for approximately 2,000 feet, fronting the Gulf of Mexico at the line of mean high water. The Erosion Control Line lies in Section 35, Township 2 South, Range 21 West

Written objections to, or inquires regarding, the proposed Erosion Control Line should be submitted to the Bureau of Beaches and Wetland Resources, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, prior to the date mentioned above. The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida reserves the right to deny establishment of the Erosion Control Line.

BY ORDER OF THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA  
 JEB BUSH, GOVERNOR

**DEPARTMENT OF CITRUS**

The **Department of Citrus** announces a meeting via telephone conference of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Friday, October 14, 2005, 11:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review new creative concepts and supporting consumer research and to discuss any other issues that may properly come before the Commission.

Please note members of the Florida Citrus Commission will attend by telephone. To assure the public has access to this meeting, the Florida Department of Citrus will have a speakerphone available at the Department of Citrus. Additionally, if there is a member of the public who cannot attend the meeting at the Florida Department of Citrus, but wishes to appear by telephone, they may do so by calling (850)410-0962.

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATES AND TIMES: Tuesday, October 25, 2005, 1:30 p.m.; Wednesday, October 26, 2005, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purpose of standing committee meetings and the regular monthly meeting of the Florida Citrus Commission. The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balanced scorecards, licensing, rulemaking, and other matters addressed during monthly meetings of the Commission. The Commission may also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues related to the Tampa Juice, et. al. & Graves Brothers, et. al. vs. FDOC. The parties attending the closed session will be Benny W. Albritton, Jr., Michael L. Carrere, W. Cody Estes, Sr., Harry H. Falk, William J. Ferrari, George T. Pantuso, Anina C. McSweeney, Virginia S. Pena, Stephen W. Ryan, Steven M. Smith, George H. Streetman, Andrew R. Taylor, Dan Gunter, Hank B. Campbell, Esq., Ed Scales, Esq., Monterey Campbell, Esq., Barry Richard, Esq., and Kenneth O. Keck, Esq.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Bill Jones at the above address or by telephone at (863)499-2500.

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN that the **Telecommunications Access System Act (TASA) Advisory Committee** to the Florida Public Service Commission will hold a committee meeting to which all parties and other interested persons are invited.

DATE AND TIME: Thursday, October 20, 2005, 1:00 p.m.

PLACE: Jacksonville Relay Center; 6225 Lake Gray Blvd., Jacksonville, Florida 32244

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss current relevant issues related to relay such as Captel, Service Quality, and other items.

Further information regarding this meeting may be obtained from: Della Fordham, Division of Competitive Markets and Enforcement, Florida Public Service Commission, (850)413-6512.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting, (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 its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: \*October 31, 2005, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference.

Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

\* In the event of a scheduling conflict, this meeting may be rescheduled to November 1, 2005, in Room 140, immediately preceding or immediately following the Commission Conference.

**\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\***

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: November 1, 2005, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Commission Hearing Room 148, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting: Division of the Commission Clerk and Administrative Services, Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 050281-WS – Application for increase in water and wastewater rates in Volusia County by Plantation Bay Utility Company.

DATE AND TIME: Wednesday, November 2, 2005, 2:00 p.m. – 5:00 p.m.

PLACE: Club de Bonmont, 300 Plantation Bay Drive, Ormond Beach, Florida 32714

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain customer input on quality of service and on the utility's requested rate increase.

A copy of the agenda for this meeting may be obtained by writing: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. Any person who is speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, 1(800)955-8771 (TDD).

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No.: 041269-TP – Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

DATES AND TIME: November 2-4, 2005, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on October 19, 2005. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

#### EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Ex-offender Task Force** workgroup will be having 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 10/7, 10/21, 11/4, 11/18, 12/2, 12/16)

PLACE: The call-in number is (850)487-8856

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, Legislative Committee is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Wednesday, October 18, 2005, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: General committee business and update on activities.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda.

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

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, Communications Committee is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Wednesday, October 19, 2005, 3:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: General committee business and update on activities.

Please contact Gwen Erwin, (850)921-5172 for a meeting agenda.

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

The **Governor's Office of Tourism, Trade and Economic Development**, will be hosting a phone meeting of the Governor's Commission on the Future of Space and Aeronautics in Florida to which all interested persons are invited to participate.

DATE AND TIME: Wednesday, October 26, 2005, 2:00 p.m. – 5:00 p.m.

PLACE: The number is 1(888)461-8118

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to examine the state of the Florida Space Industry, focusing on recommendations that would improve the space and aerospace enterprise in the state. The meeting will be formatted to include discussion from the Commission members.

For more information contact: Richard McAdams or Debra Corkhill, (850)487-2568.

If an accommodation is needed for a disability in order to participate in this activity please notify Richard McAdams, Office of Tourism, Trade and Economic Development, (850)487-2568, at least seven (7) days prior to the meeting.

Persons who are hearing or speech impaired, may contact the Office by using the Florida Relay Service, 1(800)955-8771 (TDD).

## REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: October 27, 2005, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: October 27, 2005, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: October 27, 2005, 7:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Quality Inn and Conference Center, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meetings, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by contacting: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653, e-mail: [ncfrpc@ncfrpc.org](mailto:ncfrpc@ncfrpc.org).

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

The **Southwest Florida Regional Planning Council** announces that a public hearing has been scheduled to which all interested persons are invited to participate.

DATE AND TIME: Tuesday, October 18, 2005, 10:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 1st Floor Conference Room, 1926 Victoria Avenue, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Department of Community Affairs SB 360 Regional Workshop.

THE PERSON TO BE CONTACTED REGARDING THE PUBLIC HEARING IS: Mr. David Crawford, Senior Planner, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida, (239)338-2550, e-mail: [dcrawford@swfrpc.org](mailto:dcrawford@swfrpc.org).

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

DATE AND TIME: October 20, 2005, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, 1st Floor Conference Room, 1926 Victoria Avenue, Fort Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Regional Planning Council.

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

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

All Council Subcommittee meetings will be held immediately prior and/or following the Council meeting, unless otherwise noted.

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

The District II, **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 19, 2005, 10:00 a.m. Eastern Time, 9:00 a.m. Central Time

PLACE: Tallahassee Fire Department, Training Division Classroom, 2964 Municipal Way, Tallahassee, Florida 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regularly scheduled LEPC meeting.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Suite 1, Blountstown, FL 32424, (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: Thursday, October 27, 2005, 10:30 a.m. Eastern Time, 9:30 a.m. Central Time

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Suite 1, Blountstown, FL 32424, (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

**METROPOLITAN PLANNING ORGANIZATIONS**

The Florida **Metropolitan Planning Organization Advisory Council (MPOAC)** announces a meeting of the Staff Directors' Advisory Committee to which all persons are invited.

DATE AND TIME: October 20, 2005, 12:00 Noon – 3:00 p.m.

PLACE: Crowne Plaza Hotel – Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Heidi Langston, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, 1(866)374-3368, Ext. 4037, e-mail: heidi.langston@dot.state.fl.us.

The Florida **Metropolitan Planning Organization Advisory Council (MPOAC)** announces a meeting of the Governing Board to which all persons are invited.

DATE AND TIME: October 20, 2005, 4:00 p.m. – 7:00 p.m.

PLACE: Crowne Plaza Hotel – Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida



GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Heidi Langston, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, 1(866)374-3368, Ext. 4037, e-mail: heidi.langston@dot.state.fl.us.

The Florida **Metropolitan Planning Organization Advisory Council** (MPOAC) announces a Workshop of the Governing Board to which all persons are invited.

DATE AND TIME: October 21, 2005, 8:00 a.m. – 12:00 Noon

PLACE: Crowne Plaza Hotel – Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to the Florida Metropolitan Planning Organization Advisory Council Institute.

For more information, please contact: Heidi Langston, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, 1(866)374-3368 Ext. 4037, e-mail: heidi.langston@dot.state.fl.us.

#### WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited to participate.

DATE AND TIME: October 27, 2005, 10:45 a.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee meeting – to discuss land acquisition.

DATE AND TIME: October 27, 2005, 11:30 a.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee of the Whole (Regulations Committee) – to discuss enforcement issues.

DATE AND TIME: October 27, 2005, 1:00 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business.

DATE AND TIME: October 27, 2005, 1:15 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Regulatory Matters – to consider regulatory issues.

DATE AND TIME: October 27, 2005, 1:30 p.m. (EDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing on Land Acquisition Matters – to consider land acquisition.

PLACE: District headquarters, 10 miles west of Tallahassee on U.S. Highway 90, Tallahassee, FL

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at www.nwfwmd.state.fl.us/).

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

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting(s) to which all interested persons are invited.

NATURE'S CLASSROOM VISITATION AND TOUR

DATE AND TIME: Saturday, October 22, 2005, 9:00 a.m. – 11:00 a.m.

PLACE: Nature's Classroom, 11301 Verges Road, Thonotosassa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Some members of the District's Governing and Basin Boards may visit the facility to view the recent and ongoing renovations.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING, GREEN SWAMP BASIN, AND PUBLIC HEARING

DATE AND TIME: Tuesday, October 25, 2005, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Committee meetings, Board meeting and public hearing.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, October 26, 2005, 9:00 a.m.

PLACE: SWFWMD District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

LITTLE EVERGLADES RANCH CEREMONY

DATE AND TIME: Wednesday, October 26, 2005, 8:00 a.m.

PLACE: Little Everglades Ranch, Dade City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Celebration of the acquisition of conservation easements on Little Everglades Ranch.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: November 9, 2005, 9:00 a.m.

PLACE: New Location: Ocean Reef Club, 35 Ocean Reef Drive, Key Largo, Florida 33037 (Old Location: The South Florida Water Management District, Florida B-1 Auditorium, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Governing Board of the South Florida Water Management District to adopt the Florida Forever Work Plan, 2006 Annual Update, included as Chapter 6; Volume II of the South Florida Environmental Report.

A copy of the agenda may be obtained seven days prior to the meeting by contacting: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, Website: [http://my.sfwmd.gov/portal/page?\\_pageid=153.351022&\\_dad=portal&\\_schema=PORTAL](http://my.sfwmd.gov/portal/page?_pageid=153.351022&_dad=portal&_schema=PORTAL).

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Wanda Caffie Simpson, Land Resources Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7350, West Palm Beach, FL 33406, (561)682-6445.

**DEPARTMENT OF ELDER AFFAIRS**

The Florida **Department of Health** in collaboration with the Florida **Department of Elder Affairs** announces a public hearing to which all persons are invited.

DATE AND TIME: Monday, October 24, 2005, 1:00 p.m. – 5:00 p.m.

PLACE: Department of Elder Affairs, Room 225F, 4040 Esplanade Way, Tallahassee, FL 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Special Needs Shelter Interagency Committee meeting hosted by the Office of Long-Term Care Policy to develop and negotiate any necessary interagency agreement or policy related to improving the statewide response to special needs sheltering.

To obtain a copy of the agenda, or to submit information please contact: Karen Eaton, 4052 Bald Cypress Way, Bin #C27, Tallahassee, Florida 32399-7000, (850)245-4740, e-mail: [Karen\\_Eaton@doh.state.fl.us](mailto:Karen_Eaton@doh.state.fl.us). All materials, information, or comments must be submitted electronically.

Note: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability, hearing or physical impairment should contact Karen Eaton at least five (5) calendar days prior to the meeting using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Elder Affairs**, Advisory Council announces a meeting to which all persons are invited to join.

DATE AND TIME: Wednesday, October 26, 2005, 11:00 a.m. – 2:00 p.m.

PLACE: Hyatt Regency Tampa, 211 North Tampa Street, Harborview – 16th Floor, Tampa, FL 33602

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Department of Elder Affairs Advisory Council to discuss the department and initiatives the council wants to undertake.

Interested individuals may join by notifying: Darrick McGhee, Department of Elder Affairs, 4040 Esplanade Way, Suite 315-K, Tallahassee, FL 32399-7000, (850)414-2085, e-mail: [McgheeD@elderaffairs.org](mailto:McgheeD@elderaffairs.org).

To obtain a copy of the agenda, please contact: Darrick McGhee, Department of Elder Affairs, 4040 Esplanade Way, Suite 315-K, Tallahassee, FL 32399-7000, (850)414-2085, Suncom 994-2085, e-mail: [McgheeD@elderaffairs.org](mailto:McgheeD@elderaffairs.org).

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 department at least 48 hours before the meeting by contacting: Darrick McGhee, (850)414-2085. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

The Florida **Department of Elder Affairs** announces a telephonic meeting of the Direct Support Organization (DSO) of the Statewide Public Guardianship Office to which all persons are invited.

DATE AND TIME: October 25, 2005, 8:00 a.m. – 10:00 a.m.

PLACE: Callers within Tallahassee (850)922-7892, Callers outside Tallahassee 1(800)416-4132, Suncom 292-7892

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be general business meeting of the DSO.

Any person requiring special accommodations to participate in this meeting is asked to advise the Statewide Public Guardianship Office at least 48 hours before the meeting by contacting: Mr. Robert Bayerl, (850)414-2378. 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 teleconference meeting of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: Wednesday, October 26, 2005, 1:00 p.m.

PLACE: Anyone interested in participating may telephone (850)410-0966 or Suncom 210-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at <http://ahca.myflorida.com/dhit/index.shtml>, seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces a public meeting of the Council for the Regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: October 21, 2005, 1:30 p.m. – 3:00 p.m.

PLACE: Via Conference Call, (850)410-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of proposed federal DSH rules and Medicaid Reform Waiver update.

Contact Edwin Stephens, (850)413-8067, Suncom 294-8067, with any questions or to obtain an agenda when it is set.

The **Agency for Health Care Administration** announces a Public Hearing to which all persons are invited.

DATE AND TIME: October 24, 2005, 9:00 a.m.

PLACE: The Department of Health, Main Administration Building, 2421 S. W. 6th Avenue, Fort Lauderdale, FL 33315

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearing is being held to afford interested persons the opportunity to express their views concerning the development of Choice Counseling as a part of Medicaid Reform. As stated in Section 409.91211(3)(k), F.S., the Agency for Health Care Administration will "develop and recommend a choice counseling system to ensure that the choice counseling process and related materials are designed to provide counseling through face-to-face interaction, by telephone, and in writing and through other forms of relevant media."

Anyone needing project or public hearing information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call

(850)488-3560. Special Accommodations requests under the Americans with Disabilities Act should be made at least seven days prior to the Public hearing.

A copy of the agenda may be obtained by writing: Dennis Ngin, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #8, Tallahassee, FL 32308.

**DEPARTMENT OF MANAGEMENT SERVICES**

The **Governor's Mansion Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, October 26, 2005, 10:00 a.m.

PLACE: The Governor's Mansion

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Department of Management Services, Facilities Management, 4050 Esplanade Way, Suite 315, Tallahassee, Florida 32399-0950, (850)488-2074

Persons wishing to attend must submit written background information to Traci Gerrell at the address listed above on or before June 24, 2005 to allow for the required security check. This written information must contain the name, address, social security number and date of birth of the person planning to attend.

The **Department of Management Services** and the Florida State Employees' Charitable Campaign Steering Committee announce a meeting to consider amendments to rule Chapter 60L-39, F.A.C., Florida State Employees' Charitable Campaign.

DATE AND TIME: October 19, 2005, 2:00 p.m.

PLACE: Room 280K, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to present for consideration by the Florida State Employees' Charitable Campaign Steering Committee proposed rule amendments to Chapter 60L-39, F.A.C., as required by Section 110.181(3), F.S.

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least 2 calendar days before the workshop, by contacting: Marta McPherson, (850)488-2707.

For additional information contact: John Kuczwanski, Chairman, Florida State Employees' Charitable Campaign, Department of Management Services, 4050 Esplanade Way, Suite 215H, Tallahassee, Florida 32399-0950, (850)921-4681.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited.

**DATES AND TIME:** Monday, October 17, 2005; Tuesday, October 18, 2005, 8:30 a.m.

**PLACE:** Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032.

**VERBATIM RECORD OF MEETING:** If any person decided to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

**ADA NOTICE:** Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

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## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meetings, to which all persons are invited to attend.

**DATE AND TIME:** October 24, 2005, 2:00 p.m.

**PLACE:** Hampton Inn & Suites Amelia Island, 19 South Second Street, Fernandina Beach, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Probable Cause Panel Meeting, portions may be closed to the public.

The following cases are open to the public:

Michael Arnold, Case No. 2005-039961

Sharon Bolding, Case No. 2005-028649

John Burt, Case No. 2005-011590

Chip Castro, Case No. 2005-039950

Donna Cavallaro, Case No. 2005-039957

Robert Coba, Case No. 2005-028649

Stella Ekovich, Case No. 2005-039939

Cheryl Gonsalves, Case No. 2005-039954

Kerby Glenn, Case No. 2005-027073

Brittany Gutierrez, Case No. 2005-002119

Elena Johnson, Case No. 2005-003435

Patrick Knowles, Case No. 2004-043534

Victoria Lavoie, Case No. 2005-024733

Jeff A. Lewis, Case No. 2005-002114

Mother & Son Wallpapering, Inc., Case No. 2004-049144

Joan Russell, Case No. 2005-039968

Jorge Salazar, Case No. 2005-028631

Reiner Sanchez, Case No. 2004-027260

Sandy Smith, Case No. 2005-039943

Rolando Sosa, Case No. 2005-011150

Vernon Thompson, Case No. 2004-059549

Kerry Turner, Case No. 2005-027488

Tasuku Ohazama, Case No. 2001-09506

Joseph Vislay, Case No. 2002-01985

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, Florida 32308-4893.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Smith, Thompson, Shaw & Manausa, P.A., (850)402-1570, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

**DATE AND TIME:** October 25, 2005, 9:00 a.m. and 10:00 a.m. or soon thereafter

**PLACE:** Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, (850)488-0062.

**NOTE:** In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

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The Florida **Electrical Contractor's Licensing Board** announces the following Board Meeting to which all interested persons are invited to attend.

DATE AND TIME: November 4, 2005, 2:00 p.m. or soon thereafter

PLACE: Teleconference, numbers to call (850)414-5775, Suncom 994-5775, 1(888)461-8118

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Legislative Issues and General Business.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact, in writing: Electrical Contractors' Licensing Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he or she will need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board Office, (850)921-4847, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board Office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-9771 (TDD).

The Florida **Board of Professional Engineers** and the Florida Engineers Management Corporation announces a public meeting of the Board Operations Committee to conduct the business of the Board and Corporation, to which all persons are invited.

DATE AND TIME: Monday, October 24, 2005, 11:00 a.m. – conclusion of meeting

PLACE: Comfort Inn & Suites, 3901 North Atlantic Avenue, Cocoa Beach, Florida 32931

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board Operations Committee to conduct general business of the Board and Corporation.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul J. Martin, (850)521-0500.

The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Thursday, November 10, 2005, 8:00 a.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul J. Martin, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees which all persons are invited.

DATES AND TIME: Wednesday, November 16, 2005, 8:00 a.m.; continuing Thursday, November 17, 2005, 8:00 a.m. if business of the Committee is not concluded

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul J. Martin, (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Legislative Committee to which all persons are invited.

DATE AND TIME: Wednesday, November 16, 2005, 11:00 a.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Committee.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul J. Martin, (850)521-0500.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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#### DEPARTMENT OF JUVENILE JUSTICE

The **Florida Business Partners for Juvenile Justice** has scheduled a meeting to which all interested persons are invited to participate.

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

PLACE: Wyndham Harbour Island Hotel, 725 South Harbour Island Boulevard, Tampa, Florida 33602, <http://www.wyndham.com/hotels/TPAHI/main.wnt>

If you have any questions regarding this meeting or Florida Business Partners for Juvenile Justice, please contact: Debbie Burgess, e-mail: [fbpj@hotmail.com](mailto:fbpj@hotmail.com).

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#### DEPARTMENT OF HEALTH

The **Department of Health, Board of Dentistry** will hold a general business meeting to which all persons are invited.

DATE AND TIME: November 4, 2005, 8:00 a.m.

PLACE: Hyatt Regency Jacksonville Riverfront, 225 Coastline Drive, Jacksonville, FL 32202, (904)633-9095

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which records include 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 Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771(TDD).

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The **Department of Health, Board of Hearing Aid Specialists** announces a General Business Meeting, and a Probable Cause Panel Meeting in which reconsiderations will be heard. All interested parties are invited to attend with the information listed below, which is normally open to the public.

DATES AND TIMES: November 17, 2005, 3:00 p.m. – Probable Cause Reconsideration Meeting; November 18, 2005, 9:00 a.m. – General Board Meeting

PLACE: Double Tree Guest Suites, 2670 East Sunrise Blvd., Ft. Lauderdale, FL 33304, (954)565-3800

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Probable Cause Reconsideration Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, at least one week prior to meeting date.

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The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: October 28, 2005, 2:00 p.m.

PLACE: Meet Me Number: (850)922-2903, Suncom 292-2903, Toll Free 1(800)416-4254

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

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The **Department of Health**, Division of Medical Quality Assurance, Florida **Board of Medicine**, Probationers' Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 4, 2005, 8:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Tracie Natale, Medical Compliance Officer, Department of Health, Division of Medical Quality Assurance, Client Services Unit, 4052 Bald Cypress Way, Bin #C01, Tallahassee, FL 32399-3251.

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, he/she will need a record of the proceeding, and for such purpose, he/she may need to insure that a verbatim proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact Tracie Natale, (850)245-4444, Ext. 3546, no later than seven (7) days prior to the meeting at which such special accommodation is required. Hearing or speech-impaired persons may contact the Compliance Officer at the address noted above; or, via the Florida Dual Party Relay System, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Board of Nursing**, Central Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: November 16, 2005, 5:00 p.m.

PLACE: Department of Health, Tallahassee, Meet Me Number (850)487-9552

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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The **Board of Nursing Home Administrators** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, October 28, 2005, 9:00 a.m.

PLACE: The Crowne Plaza Hotel, 5555 Hazeltine National Drive, Orlando, FL 32812, (407)856-0100

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 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 Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, website: [www.doh.state.fl.us/mqa/nurshome/index.html](http://www.doh.state.fl.us/mqa/nurshome/index.html).

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The Florida **Board of Osteopathic Medicine** will hold the following conference call to which all persons are invited to participate.

DATE AND TIME: Tuesday, November 1, 2005, 12:00 Noon or shortly thereafter

PLACE: Conference Call (850)921-6513, Suncom 291-6513

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 Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)488-0595. 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 **Board of Speech-Language Pathology and Audiology** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Monday, November 7, 2005, 9:00 a.m. or soon thereafter

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Speech-Language Pathology and Audiology, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

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

The **Department of Health** announces a public meeting of the Technical Review and Advisory Panel to which all persons are invited.

DATE AND TIME: November 2, 2005, 9:00 a.m.

PLACE: Marriott Orlando Airport, 7499 Augusta National Drive, Orlando, FL 32822, (407)859-0552

GENERAL SUBJECT MATTER TO BE CONSIDERED: Identify and discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, F.A.C.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the meeting.

The **Department of Health, Correctional Medical Authority** announces a conference call meeting to be held by telephone to which all persons are invited.

DATE AND TIME: October 27, 2005, 11:00 a.m. – 1:00 p.m.

PLACE: Telephone Number (Toll-Free) 1(888)816-1123, (Local) (850)921-5230, Suncom 291-5230

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, Bin #B04, Tallahassee, FL 32399-1732, (850)410-1450.

Pursuant to Section 286.26, F.S., any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Department of Children and Family Services**, District 12, Community Alliance announces public meetings to which all persons are invited.

DATES AND TIME: October 12, 2005; November 16, 2005; January 11, 2006; February 8, 2006, 1:30 p.m.

PLACE: Dept. of Children and Family Services, 210 N. Palmetto Ave., Conference Room 148, Daytona Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Denise Kelly.



If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly at (386)238-4648 at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

The **Department of Children and Family Services**, District 12, Community Alliance CBC Taskforce announces public meetings to which all persons are invited.

DATES AND TIME: November 16, 2005; January 11, 2006; March 8, 2006; May 10, 2006, 3:30 p.m. (immediately following Community Alliance)

PLACE: Dept. of Children and Family Services, 210 N. Palmetto Ave., Conference Room 148, Daytona Beach, Florida  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Denise Kelly.

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (386)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

The **Department of Children and Family Services**, District 11, Substance Abuse and Mental Health Program Office announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 27, 2005, 10:00 a.m. – 12:00 Noon

PLACE: Rohde Building, 401 N. W. 2nd Avenue, Suite N-1011, Miami, Florida 33128, (305)377-5029

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the designation of the following facility as a Baker Act Receiving Facility:

South Beach Community Hospital

630 Alton Road

Miami Beach, Florida 33139

Persons with disabilities requiring accommodations in order to participate in the event should contact Jennifer Holtz, by telephone (305)377-5029 or in writing by close of business (5:00 p.m.) no later than five working days prior to the meeting.

## FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission (FWC), Division of Law Enforcement** announces two public workshops concerning the FWC's Proposed Airboat Muffling Enforcement Protocol and Courteous Operation Educational Effort, to which all interested persons are invited.

DATE AND TIME: October 26, 2005, 6:30 p.m. – 9:00 p.m.

PLACE: IGFA Fishing Hall of Fame & Museum, Events Hall, 300 Gulf Stream Way, Dania Beach, FL 33004

DATE AND TIME: October 27, 2005, 6:30 p.m. – 9:00 p.m.

PLACE: Central Florida Community College, Ewers Century Center (Klein Conference Center), Room A, 3001 S. W. College Road, Ocala, FL 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FWC is holding workshops to receive public comments regarding their proposed enforcement protocol pertaining to muffling airboat engines. Additionally, the Commission is asking for public input in its preparation to initiate an educational effort which will focus on safe and courteous airboat operation with emphasis on the reduction of airboat sound levels.

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

THE PERSON TO BE CONTACTED REGARDING THE WORKSHOPS IS: Captain Richard Moore, Boating Law Administrator, Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32999-1600, (850)488-5600.

The Florida **Fish and Wildlife Conservation Commission** announces two rule development workshops to which all interested parties are invited.

DATE AND TIME: November 2, 2005, 4:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission, Bryant Building, 2nd Floor Conference Room, 620 S. Meridian Street, Tallahassee, FL

DATE AND TIME: November 9, 2005, 6:00 p.m.

PLACE: Manatee County Board Chamber Room, 1112 Manatee Avenue, West, Bradenton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Draft rules regarding the process to be used to identify new "substantial risk counties" that will be required to prepare manatee protection plans pursuant to Section 370.12(2)(t), F.S. Preliminary rule text will be available at least one week before the first workshop and will also be posted to the Commission's web site at: <http://myfwc.com/manatee/news-rules.htm>.

Questions about the workshops should be directed to: Scott Calleson, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend either of these workshops is asked to advise the agency at least 48 hours in advance by contacting the agency ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (800)955-8771 (TDD) or (850)488-9542 within the Tallahassee area.

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#### DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of Treasury**, Bureau of Deferred Compensation Advisory Council announces the following meeting to which all persons are invited.

DATE AND TIME: Friday, November 4, 2005, 9:30 a.m.

PLACE: 1801 Hermitage Blvd., The Hermitage Centre, Conference Room 415, Tallahassee, FL

For more information regarding the meeting or a copy of the agenda, please contact: Kandi Winters, Chief of Deferred Compensation, Division of Treasury, 200 E Gaines St., Tallahassee, FL 32399-0346, (850)413-3162.

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#### FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

NOTICE OF CHANGE – The **Florida Automobile Joint Underwriting Association** announces cancellation of an FAJUA Board of Governors teleconference and a revision of a scheduled FAJUA Board of Governors teleconference.

FAJUA Board of Governors Teleconference (CANCELLED)

DATE AND TIME: Monday, October 17, 2005, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss recommendations presented by the ad hoc Vendor Review and Selection Committee and any other matters that may come before the Board.

FAJUA Board of Governors Teleconference (REVISED)

DATE AND TIME: Thursday, October 20, 2005, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss recommendations presented by the ad hoc Vendor Review and Selection Committee and any other matters that may come before the Board.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive, East, #201A, Tallahassee, FL, (850)681-2003, e-mail: [lstoutamire@fajua.org](mailto:lstoutamire@fajua.org).

#### AREA AGENCY ON AGING OF PASCO-PINELLAS

The **Area Agency on Aging of Pasco-Pinellas, Inc. (AAAPP)** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 17, 2005, 9:30 a.m. (Please call to confirm date, time and location)

PLACE: Area Agency on Aging of Pasco-Pinellas, Inc., 9887 4th Street, North, Suite 100, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Area Agency on Aging of Pasco-Pinellas, Inc. – Board Meetings

Please note that if a person decides to appeal any decision made by AAAPP Board with respect to any matter considered at the above cited meeting or hearing, they 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.

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#### ADVOCACY CENTER FOR PERSONS WITH DISABILITY

The Advocacy Center, Inc., **Florida's Protection and Advocacy Programs** will be holding their Annual/Quarterly Board of Directors meeting jointly with the Protection and Advocacy for Individuals with Mental Illness Advisory Council (PAIMI Council).

DATES AND TIME: October 20-22, 2005, PAIMI Advisory Council Meeting – Thursday, October 20, 2005, 6:15 p.m.

PLACE: Renaissance – Ft. Lauderdale Hotel, 1st Floor, Ballroom A, 1617 S. E. 17th Street, Ft. Lauderdale, FL 33316  
Joint Annual/Quarterly Board Meeting

DATES AND TIME: Friday, October 21-22, 2005, 9:00 a.m.

PLACE: Renaissance – Ft. Lauderdale Hotel, 2nd Floor, Papagayo A&B, 1617 S. E. 17th Street, Ft. Lauderdale, FL 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual/Quarterly joint business meeting of the Board of Directors and the Protection and Advocacy for Individuals with Mental Illness Advisory Council (PAIMI Council). The Annual Board of Directors Election of Officers.

For additional information, please contact: Sonia Rodriguez, (813)233-2920 or Joanne Burgess, (850)488-9071.

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#### PALM BEACH COMMUNITY COLLEGE

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

DATE AND TIME: Thursday, October 27, 2005, 10:00 a.m.

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

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

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

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## ST. LUCIE COUNTY

The **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, October 27, 2005, 2:00 p.m.

PLACE: University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Director job description, legal representation, directors' and officers' liability insurance, utilities requirements, Intermodal Transportation Report, Executive Director search process, budget review, funding opportunities, architectural design, policy development, research park occupants, application review for potential new tenants, Pure Produce greenhouses, land lease transfers, and such other business as the Authority may deem appropriate.

Those who desire a copy of the agenda or more information should contact: Rick Minton, Chairman, (772)370-7425 or Jane Bachelor, Secretary, (772)468-3922, Ext. 151.

Anyone with a disability requiring accommodation to attend this meeting should contact Velma Spencer, IRREC Office Manager, (772)468-3922, Ext. 113, at least forty-eight (48) hours prior to the meeting.

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## FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION

YOU ARE HEREBY NOTIFIED that the **Florida Local Government Finance Commission** announces a public hearing (the "Hearing") to which all interested persons are invited to participate.

DATE AND TIME: October 31, 2005, 10:00 a.m. or as soon thereafter as the same may be heard

PLACE: Offices of Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: With respect to the issuance by the Florida Local Government Finance Commission (the "Issuer") of its Florida Local Government Finance Commission Pooled Commercial Paper Notes, Series B (AMT Issue) (the "Notes") in the aggregate principal amount of not exceeding \$2,500,000 and the loan of the proceeds thereof (the "Loan") to the Sebring Airport Authority (the "Authority"). The Hearing will be conducted by

Counsel to the Authority. The proceeds of the Notes will be loaned to the Authority and applied to finance costs relating to the acquisition, construction and equipping of 40 T-hangars and a commercial hangar building consisting of four units (collectively, the "Improvements").

The Authority now owns, operates and maintains an airport facility and industrial park known as the "Sebring Airport and Industrial Park." All of the Improvements shall be located at the Sebring Airport and Industrial Park, the address of which 128 Authority Lane, Sebring, Florida 33870.

The Notes do not constitute a general indebtedness or obligation of the Issuer within the meaning of any constitutional or statutory provision or limitation, but shall be generally payable from and secured by the loan repayments made by the Authority to the Issuer pursuant to the Loan. The Loan is payable from and secured by the proceeds of certain grants from the State of Florida Department of Transportation designated for the Improvements. The Loan will be furthered secured by a covenant of Highlands County to budget and appropriate legally available non-ad valorem revenues whenever the grant proceeds are insufficient or unavailable. The Loan will not be or constitute an indebtedness or obligation of the Authority, Highlands County, the City of Sebring, the State of Florida or any political subdivision thereof within the meaning of any constitutional, statutory or other limitation of indebtedness.

The aforementioned meeting shall be a public meeting and all persons who may be interested will be given an opportunity to be heard concerning the same. Written comments may also be submitted to John Yonkosky, Chairman, Florida Local Government Finance Commission, c/o Collier County Department of Revenue, 2685 South Horseshoe Drive, Naples, Florida 34104 and Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, prior to the hearing.

ALL PERSONS FOR OR AGAINST SAID PROPOSAL CAN BE HEARD AT SAID TIME AND PLACE. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE ISSUER WITH RESPECT TO SUCH HEARING OR MEETING, (S)HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF SUCH HEARING OR MEETING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, (813)281-2222, no later than seven days prior to the proceeding.

**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.  
 DATE AND TIME: November 10, 2005, 8:00 a.m.  
 PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Division of Community Planning received a request for Declaratory Statement on September 26, 2005, from David Jon Russ, regarding the Division’s opinion of the applicability of Section 163.3184(16), F.S. (2004), to the Petitioners particular set of circumstances and whether the applicable provisions have been satisfied.

It has been assigned the number DCA05-DEC-179.  
 A copy of the request may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

**DEPARTMENT OF MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN THAT the Public Employees Relations Commission has received a Petition for Declaratory Statement filed by the Transport Workers Union of America, Local 291, AFL-CIO on September 27, 2005. Case No.: DS-2005-003. A public sector labor union is seeking a declaratory statement from the Public Employees Relations Commission as to the specific application of Section 447.305(5), F.S., which requires such unions to maintain and keep open for inspection accurate accounts of income and expenses. The Commission has interpreted this as requiring public sector unions to keep backup records in the form of receipts and expenditures. The petitioning party asks the Commission to state how long the backup records must be maintained, whether the union can charge for supplying these

records, whether there is any limit to the extent or number of requests that a member can make, and the test for determining if a request is overly burdensome.

A copy of the petition may be obtained by writing: Clerk, Public Employees Relations Commission, 4050 Esplanade Way, Suite 150, Tallahassee, Florida 32399-0950.

Any person desiring to submit a statement regarding the petition may do so by filing such statement at the above address within 20 days of the date of this publication.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a Declaratory Statement In Re: Petition for Declaratory Statement, Justo E. Gomez, Petitioner, Arlen Beach Condominium Association, Inc.; Docket No. 2005046436.

The Division finds that Arlen Beach must abide by Section 718.112(2)(j), F.S., meaning only a majority of all the voting interests may vote or agree in writing to recall directors of their board of administration. Since Arlen Beach consists of 273 units, a majority of 273, or 137, must vote in favor of recall to effectively recall directors. Further, pursuant to Section 718.112(2)(j)(3), F.S., any recall vote is subject to arbitration if the board does not certify the recall vote results.

A copy of the Declaratory Statement, Docket Number 2005046436, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

The Board of Veterinary Medicine hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed by Dr. Hansel Leavengood on August 4, 2005. Notice of receipt of the Petition was published in the August 19, 2005, Vol. 31, No. 33, Florida Administrative Weekly. The Board reviewed the Petition at its meeting on September 1, 2005, in St. Augustine, Florida. The Board’s Final Order, filed in this cause on September 28, 2005, declares that the Petitioner would not be subject to discipline under Section 474.214, F.S., for engaging in the proposed business arrangement.

A copy of the Petition and the Board’s Final Order may be obtained by contacting: Juanita Chastain, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0773.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that it has issued an Order on the Petition for Declaratory Statement, which was filed on June 3, 2005 by Dana Lynn Nolan, MS, LMHC, NCC. The Notice of Petition for Declaratory Statement was published in Vol. 31, No. 28, of the July 15, 2005, Florida Administrative Weekly. The Petitioner sought the Board's interpretation of the application of Section 456.41, F.S., which is entitled "Complementary or alternative health care treatments." Specifically, the Petitioner requested that the Board issue a Declaratory Statement to the effect that Section 456.41, F.S., permits Petitioner to utilize Energy Medicine in her Mental Health Counselor practice. The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling considered the Petition at its meeting held on July 29, 2005, in Orlando, Florida. The Board's Order, filed on September 28, 2005, denied the Petition for Declaratory Statement on the grounds that the petition appears to request a statement of general applicability. A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice that on September 22, 2005, it received a Petition for Declaratory Statement filed by Steven D. Budnick, D.D.S. The petition seeks the Board's interpretation of the Board rules concerning the use of laboratories outside of Florida and the necessity for clinicians in outside states to receive a Florida license.

Copies of the petition may be obtained from: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

The Board of Dentistry hereby gives notice that on September 29, 2005, it received a Petition for Declaratory Statement filed by Stuart B. Pechter, D.M.D. The petition seeks the Board's interpretation as to whether Dr. Pechter can provide radiographic service without becoming a dentist of record and assuming liability for dental diagnosis and treatment recommendations.

Copies of the petition may be obtained from: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

**FINANCIAL SERVICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Financial Services Commission, Office of Insurance Regulation has received Petition for Declaratory Statement filed by Lee Huszagh, Esquire, on behalf of Florida Land Title Association, Inc. The petition seeks a statement issued by the agency, clarifying subsection 690-186.003(5), F.A.C.

A copy of the petition may be obtained by contacting: Erica May, Esquire, Assistant General Counsel, Legal Services Office, Office of Insurance Regulation, 646E Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-4206, (850)413-4112.

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

## Section XI Notices Regarding Bids, Proposals and Purchasing

### DEPARTMENT OF EDUCATION

#### NOTICE TO CONSTRUCTION MANAGERS:

The University of Florida Board of Trustees, announces that construction management services will be required for the project listed below:

Project No.: UF-269, Project and Location: Biomedical Sciences Building, Main Campus, University of Florida. The project consists of pre-construction and construction management services of a multi-disciplinary biomedical research facility for the Health Science Center colleges, Biomedical Engineering Department of the College of Engineering and Animal Care Services to be located at the University of Florida Health Science Center.

The proposed Biomedical Sciences facility is programmed to be approximately 200,000 gross square feet, providing approximately 126,000 net assigned square feet to house the research, and administrative operations of biomedical engineering, medical sciences and animal care services. The physical and cultural integration of the biosciences, medicine, biomedical engineering with the BSB building will provide synergistic and collaborative environments that will establish UF as a leader in interdisciplinary biomedical science, engineering, technology, translational research and technology transfer. Close proximity of a state of the art animal care facility in the same building will add to the synergy and allow UF researchers housed in the BSB and across campus access to the finest biomedical research infrastructure in the world. Top tier research institutions all too often promise, but fail to deliver, interdisciplinary research and education. It is the intention for this project to create the physical, administrative and intellectual infrastructure to establish UF as one of the top ten research institutions in the country. The construction budget for this new facility is estimated to be \$67,500,000.00. Total project budget for this program is \$92,300,000.00.

The contract for construction management services will consist of the pre-construction and construction services. During the pre-construction services, the construction manager will be paid a fixed fee to provide services including the site selection, planning, programming, and design. These services include providing a single full time project manager who would serve throughout the pre-construction and construction phase to manage and present services including value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 100% Construction Document phases as applicable. There will be two phases of construction. Phase I will include all site work, underground utilities work,

foundation work, structural work and Emergency Power system work. Phase two will be the balance of the construction (the building). If the GMPs are accepted, the construction phases, will be implemented. In construction phases of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract. Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; and qualification of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by UF, a description of the final interview requirements and a copy of the standard University of Florida construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed project specific "Construction Manager Qualifications Supplement" available from the website: [www.facilities.ufl.edu](http://www.facilities.ufl.edu). Proposals must not exceed 40 pages, including the Construction Manager Qualifications Supplement and letter of application (Applications on any other form will not be considered.) Pages must be numbered consecutively. Current resumes for all staff (including the Project Manager) and consultants proposed for this project. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. Proof of the firm's bonding capacity up to \$92+ million. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$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 Construction Manager Qualifications Supplement forms, the

Construction Manager Project Fact Sheet and instructions for registering as an applicant can be found on the Facilities Planning and Construction website.

Eight (8) bound copies of the required proposal must be received in the Facilities Planning and Construction Division office by 3:00 p.m. local time on Thursday, December 1, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered. Please submit to:

Frank Javaheri, Project Manager  
University of Florida  
Facilities Planning and Construction  
232 Stadium  
Gainesville, FL 32611-5050  
Telephone: (352)392-1256.  
Fax: (352)392-6378

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#### NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida, Board of Trustees, announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No.: UF-242  
Project: IFAS Indian River Biological and  
Agricultural Research Facility  
Location: Ft. Pierce, FL

The project consists of the demolition of a single story structure, design and construction of a new single story 15,424 square foot laboratory/office facility that will adjoin to existing building #7321, in Ft. Pierce, FL. The selected firm will provide demolition, design, and construction documents, along with construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000.00, and will be provided as a part of Basic Services.

#### INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed "Professional Qualifications Supplement," the latest project specific version available from the website: [www.facilities.ufl.edu](http://www.facilities.ufl.edu). 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 6 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. The plans and specifications for the University of Florida 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 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, project information, selection criteria, and instructions for registering as an applicant can be found on the Facilities Planning and Construction website.

Submittals must be received in the Facilities Planning and Construction office by 3:00 p.m. local time, on Monday, November 14th 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction  
232 Stadium/P. O. Box 115050  
Gainesville, FL 32611-5050  
Telephone: (352)392-1256  
Fax: (352)392-6378  
Internet: [www.facilities.ufl.edu](http://www.facilities.ufl.edu)

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The University of West Florida Board of Trustees is soliciting sealed bids for the following:

#### Stormwater Outfall #19 Rehabilitation

A Mandatory Pre-Solicitation Conference will be held on October 27, 2005 at 2:00 p.m. CDT in Bldg. 8, Rm 117, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514

All bidders are required to attend the pre-solicitation conference. Potential subcontractors are invited to attend to become familiar with the project specifications and to become acquainted with contractors who may bid the project.

Sealed bids will be received until November 17, 2005 at 2:00 CST at the Office of Procurement and Contracts, Bldg. 8, Room 102, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Bid number 05/ITB-08/ES must be marked on outside of bid package. The University will not be responsible for unopened bid packages at the bid opening when the package is not properly identified. Bids must be submitted in full and in accordance with the requirements of all terms and conditions of the Invitation to Bid.

View this solicitation and related information on the Office of Procurement and Contracts' website at <http://uwf.edu/procurement>.

A CD containing plans and specifications may be obtained from The Office of Procurement and Contracts, The University of West Florida. Contact Elaine Smith, (850)474-2627, e-mail:etsmith@uwf.edu, to arrange pick up.

**NOTICE TO GENERAL CONTRACTORS**

The Florida International University Board of Trustees announces that a CONTRACTOR'S QUALIFICATION STATEMENT will be required for the project listed below:

Project Name and Number: SOCCER FIELD FACILITY (BT 844)

Project Location: This facility will be located at Florida International University, University Park.

Any contractor wishing to submit a bid for the project under a single-prime construction contracts must (1) furnish a Contractor's Qualification Statement, (2) be approved by Florida International University prior to bidding and (3) have experience with synthetic turf systems. Florida International University will evaluate each Contractor's Qualification Statement and determine whether the applicant is qualified to bid on the project. Contractors who submit Contractor's Qualification Statement will be notified of their eligibility prior to the project being released for bid.

The project description, pre qualification procedures, evaluation criteria, and application, excluding AIA Document A305, may be obtained (1) by mail addressed to Mr. Alberto Delgado, Sr. Project Manager, Facilities Construction, Campus Support Complex, Room 236, University Park, Miami, Florida 33199 or (2) by Faxing a request to (305)348-4010 or (3) logon to <http://facilities.fiu.edu/fpx.htm> (find project under Facilities Construction Project Information) and download document in electronic format. Telephone or e-mail requests will not be accepted.

Firms desiring to be pre qualified for bidding on this project shall submit the required documentation. Submittals, which do not comply with the requirements or do not include the requested data, will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, F.S., a general contractor may not submit a Contractor's Qualification Statement for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected general contractors 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.

Florida International University reserves the right to reject any or all Contractor's Qualification Statements and/or to waive informalities and minor irregularities.

Contractor's Qualification Statement shall be submitted to: Mr. Alberto Delgado, Sr. Project Manager, Facilities Construction, Florida International University, University Park, CSC 236, Miami, Florida 33199.

Submittals must be received no later than 2:00 p.m. local time, Monday, November 14, 2005. Facsimile (FAX) or electronic document submittals are not acceptable and will not be considered.

**Notice to Bidders**

The School District of Lee County, Florida  
Department of Procurement Services

**BID REQUEST FOR:**

**PIZZA SERVICE FOR SELECTED LEE COUNTY SCHOOLS**

**FOR FOOD AND NUTRITION SERVICES**

Bid No. B-056394CP Opening Date: Tuesday, October 18, 2005, 10:00 a.m. Request a bid package by:

Phone: (239)479-4250; Fax: (239)337-8200;

In Person or Mail:

3308 Canal Street, Fort Myers, Florida 33916-6594

Requests must be received by October 11, 2005, 2:00 p.m.

Complete Bid Package available only upon request.

**DEPARTMENT OF TRANSPORTATION**

**INVITATION TO BID**

Sealed bids will be received by the Florida Department of Transportation, District Three, in the Administration Building, Procurement Services Conference Room of the District Office Complex, Department of Transportation, 1074 Highway 90, Chipley, Florida. Bids will be publicly opened and read aloud on:

DATE AND TIME: Thursday, November 10, 2005, 1:30 p.m. (Local Time)

PLACE: Florida Department of Transportation, Procurement Services Conference Room, Room 230, District Office Complex, 1074 Highway 90, Chipley, Florida 32428

FINANCIAL ITEM NO.: 416009 5 52 01, 417933 1 52 01

PROJECT NAME & LOCATION: District Three Marianna Operations Center

The work performed under this contract consists of constructing of an administration building of approximately 3,000 square feet. This structure will consist of 8 inch CMU bearing walls with brick veneer wainscot and EIFS above the wainscot. Roofing will be standing seam metal roofing over light gauge metal trusses. Interior finishes will include painted gypsum board over metal stud walls; carpet, ceramic tile, and vinyl composition tile flooring; and suspended acoustical tile



ceilings. Restrooms will have ceramic tile wainscoting. All walls will include acoustic batt insulation. This project is located in Marianna, FL in Jackson County.

Contract No. E3E88 – 270 calendar days. Approved budget for this project is \$476,018.00

Orders for drawings, specification, and/or bid documents should be directed to Jeremy W. Vaughn, Professional Services Office, 1074 Highway 90, Chipley, Florida 32428. Phone (850)638-0250, Ext. 364. There is a charge of \$50.00 for the plans and specifications for this project. Proposal documents will not be issued after 1:30 p.m. (Local Time) on Wednesday, November 9, 2005. Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained from the Professional Services Office.

\*New or first time bidders with the Florida Department of Transportation can request a bid process orientation meeting by calling (850)638-0250, Ext. 364 or by writing: Florida Department of Transportation, Attention: Jeremy W. Vaughn, 1074 Highway 90, Chipley, Florida 32428.

**MINORITY PROGRAM:** The Department encourages Minority Business Enterprise (MBE) firms to compete for Department contracts, and also encourages non-MBE firms to use MBE firms as sub-contractors. However, the use of MBE sub-contractors is not mandatory and no goals have been established for MBE participation for this project.

Requirements for the projects noted above:

1. **PREQUALIFICATION:** Each bidder shall submit a current applicable State Contractor’s license issued by the State of Florida and, if a Corporation, a copy of the Corporate Charter as prequalification of their eligibility to submit bids prior to the Department releasing the Bid Proposal package. After the bid opening, the lowest responsible bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the Bid Proposal package.
2. **BID BOND:** If the bid on a project exceeds \$100,000, the bidder must provide with the bid, a good faith deposit in the amount of 5% of the bid. This may be accomplished by way of a bid bond from a surety insurer authorized to do business in this State as surety, a certified check made payable to the Florida Department of Transportation, a cashier’s check, treasurer’s check or bank draft of any national or state bank. A bid bond, check or draft in an amount less than five per cent (5%) of the actual bid will invalidate the bid. Bid bonds shall conform to the furnished proposal forms.
3. **PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:** If the contract award amount exceeds \$100,000, a Performance Bond and Labor and Material Payment Bond for the full amount of the contract is required.

4. **BID POSTING:** Unless otherwise notified in writing, the Summary of Bids and Notices of Intent will be posted at the Professional Services Office, Florida Department of Transportation, Room 250, 1074 Highway 90, Chipley, Florida 32428 on December 1, 2005. In the event that the Summary of Bids and Notice of Intent cannot be posted on this date, then all bidders will be notified by certified United States mail, express delivery, facsimile, or e-mail return receipt requested. Information concerning the posted project can be obtained by calling the Professional Services Office, (850)638-0250, Ext. 364, during the posting period. The right is reserved to reject any or all bids.

5. **BID SOLICITATION / AWARD / NON-AWARD PROTEST RIGHTS:** Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest 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 the notice of protest within 72 hours after receipt of the notice of intent.

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 Sections 120.57(3), F.S., and DOT Rule 14-25, F.A.C. The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0458, phone 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.

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Richard Norris, District  
Contracts Administrator

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

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

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**STATE BOARD OF ADMINISTRATION****INVITATION TO NEGOTIATE**

The Florida Prepaid College Board is accepting proposals in response to an Invitation to Negotiate, ITN #05-02, to obtain proposals from firms qualified to provide Value-Oriented Large Capitalization Domestic Equity Investment Manager Services for the Florida Prepaid College Plan and the Florida College Savings Plan.

Copies of the Invitation to Negotiate, ITN #05-02, are available on or after October 17, 2005, by submitting a written request to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, Fax (850)488-3555. All information received in regard to this ITN must be sent to the above named address.

There is no bidder's conference. Only written inquiries concerning the ITN will be accepted. No written inquiries will be accepted after 5:00 p.m., Eastern Time, October 24, 2005. The original unbound copy and five (5) copies of each response to the ITN must be received by 12:00 Noon, Eastern Time, November 18, 2005, at the Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308. Proposals must be submitted in full accordance with the requirements and mandatory criteria of the ITN.

The Board reserves the right to reject any and all proposals or accept minor irregularities in the best interest of the State. Certified Minority Business Enterprises are encouraged to participate.

**SPECIAL ACCOMMODATION:** Any person requiring special accommodations at the bid opening because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the bid opening.

**DEPARTMENT OF ELDER AFFAIRS****REQUEST FOR INFORMATION****BREVARD, ORANGE, OSCEOLA AND SEMINOLE  
COUNTY CCE LEAD AGENCY AND CASE  
MANAGEMENT SERVICES**

The Area Agency on Aging of Central Florida, Inc. dba Senior Resource Alliance, requests information from organizations who are interested in providing social services for the elderly in Brevard, Orange, Osceola, and Seminole Counties. A designated Lead Agency will provide Case Management services, and coordinate provision of social services to targeted clients for each county. Projected funding available for Brevard County is \$938,991, for Orange County is \$1,344,866, for Osceola County is \$307,105, and for Seminole County is \$506,257. The Lead Agency services will include Case Management, Case Aide and Intake Screening. Additional services to be coordinated by the Lead Agency include, but are

not limited to: Adult Day Care, Homemaker, Personal Care, and Respite. The Lead Agency will administer and manage the Community Care for the Elderly program (CCE), the Home Care for the Elderly program (HCE), the Aged & Disable Adult Waiver program, and case management for the Assisted Living for the Elderly Waiver program and provision of or subcontract for direct client services. The contract period is July 1, 2006-June 30, 2007, renewal for two additional years. Interested parties must respond no later than 3:00 p.m. EDT, October 28, 2005 and should be sent to Andrea Niemira, Senior Resource Alliance, 988 Woodcock Rd., Suite 200, Orlando, FL 32803.

S:\RFP\2005\CCE RFI 2005-2006\AdforInformation.doc

**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****PUBLIC ANNOUNCEMENT FOR CONSTRUCTION  
MANAGEMENT SERVICES**

PROJECT NUMBER: DOH #50401100

PROJECT NAME: GAINESVILLE CHILDREN'S  
MEDICAL SERVICES

BUILDING "B" ADDITION

ACCOUNT NO: TBD

PROJECT LOCATION: 1701 S. W. 16th Avenue, Building "B", Gainesville, Alachua County, Florida

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction requests qualifications from Construction Management firms to provide construction management services for this project. The project will consist of a new two-story addition to the existing Building "B" located at 1701 S. W. 16th Avenue, Gainesville, Florida 32608. The new addition will contain approximately 7,000 square feet and the construction budget for this project is estimated to be approximately One Million and One Hundred Thousand dollars (\$1,100,000). Anticipated construction start date is March, 2006. Applicant must be a licensed general contractor in the State of Florida at the time of application and must be registered with My Florida Market Place. Registration is mandatory, but please be advised that the contractor is exempt from the 1% fee in accordance with the provisions of Florida Statute 255. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of

application. The selection will be made in accordance with Section 255.29(3) F.S., and the procedures and criteria of Building Construction.

**INSTRUCTIONS**

Firms interested in being considered for this project must submit Four (4) copies of their application with a table of contents and tabbed sections in the following order:

1. Letter of interest detailing the firm’s qualification to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor’s Financial Statement, Form DBC5085, a copy of which may be obtained by calling (850)245-4066.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. References from prior clients received within the last five years.

Response Due Date: Thursday, November 3, 2005 by 4:00 p.m. Local Time

Applications are to be sent to: Thomas Matthias, Senior Architect/Project Director, Department of Health, 4052 Bald Cypress Way, Bin #B06, Tallahassee, FL 32399-1734, (850)245-4444, Ext. 3166.

All qualification information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications which do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, F.A.C. and Section 287.055, F.S. The Department of Health shall shortlist a minimum of three (3) firms. This project is dependent on the availability of funding subject to actions of the Florida Legislative process and at sole discretion of the Department of Health.

**CITY OF FORT LAUDERDALE**

**NOTICE TO CONTRACTORS**

Sealed bids will be received until 9:00 a.m. on Wednesday, November 9, 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 NO. 10889 – PUMP STATIONS – SEPTIC AREA 4 (BASIN A, B, C, D and E).

This project consists of Drawing File No. WS-04-23 consisting of 53 sheets.

The work includes: installation of five (5) 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 320 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 October 26, 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.

**Section XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No.: DCA05-OR-180  
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 019-2005

**FINAL ORDER**

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On September 14, 2005, the Department received for review Monroe County Ordinance No. 019-2005 which was adopted by the Monroe County Board of County Commissioners on August 17, 2005 (“Ord. 019-2005”).
3. This Ordinance creates new Section 9.5-260.1, Monroe County Code that establishes an overlay district with design standards and guidelines for the Tavernier Historic District, as required by Objective 105.1.2 of the Livable CommuniKeys Master Plan. Additionally, the Ordinance amends Section 9.5-452, and Section 9.5-456, Monroe County Code related to Definitions and Certificates of Appropriateness, respectively.
4. Ordinance 019-2005 is consistent with the 2010 Monroe County Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004).
6. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2004) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
7. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2004). The regulations adopted by Ord. 019-2005 are land development regulations.
8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
9. Ord. 019-2005 promotes and furthers the following Principles:
  - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
  - (f) To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.
  - (g) To protect the historical heritage of the Florida Keys.

1. Ord. 019-2005 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 019-2005 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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James L. Quinn  
 State Planning Administrator  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA

ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 4th day of October, 2005.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Dixie Spehar  
Mayor of Monroe County  
500 Whitehead Street, Suite 102  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Timothy J. McGarry, AICP  
Director, Growth Management Division  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

DCA Final Order No.: DCA05-OR-181  
STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
In re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 020-2005

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On September 14, 2005, the Department received for review Monroe County Ordinance No. 020-2005 which was adopted by the Monroe County Board of County Commissioners on August 17, 2005 ("Ord. 020-2005").
3. This Ordinance creates new Section 9.5-260.2, Monroe County Code that establishes an overlay district with design standards and guidelines for the U.S. 1 Highway corridor between Tavernier Creek and Mile Marker 97 as required by Objective 105.1.2 of the Livable CommuniKeys Master Plan.
4. Ordinance 020-2005 is consistent with the 2010 Monroe County Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004).

6. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2004) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2004). The regulations adopted by Ord. 020-2005 are land development regulations.

8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

9. Ord. 020-2005 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(f) To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.

(g) To protect the historical heritage of the Florida Keys.

Ord. 020-2005 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 020-2005 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_  
 James L. Quinn  
 State Planning Administrator  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE.

A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

**CERTIFICATE OF FILING AND SERVICE**

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 4th day of October, 2005.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Dixie Spehar  
Mayor of Monroe County  
500 Whitehead Street, Suite 102  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Timothy J. McGarry, AICP  
Director, Growth Management Division  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

**DEPARTMENT OF REVENUE**

**NOTICE OF ADOPTION OF  
COMMUNICATIONS SERVICES TAX  
ADDRESS/JURISDICTION DATABASE**

Section 202.22(2), F.S., requires the Department of Revenue to create and maintain an electronic siting database that assigns customer service addresses to local taxing jurisdictions for purposes of the communications services tax. The update to the database, as posted on October 3, 2005, becomes effective on January 1, 2006. The siting database can be accessed at <http://geotax.state.fl.us>. The next update to the database will be effective July 1, 2006, and is required to be posted 90 days in advance of the effective date. Local governments are required to submit changes and additions for inclusion in the July 1, 2006, update no later than March 3, 2006. Additional information concerning procedures for requesting changes and additions to the database is available from the Department of Revenue Communications Services Tax Local Government Unit by telephone, (850)921-9181, Suncom 291-9181, e-mail: [cs-tax@dor.state.fl.us](mailto:cs-tax@dor.state.fl.us). Persons with hearing or speech impairments may call the Department's TDD line at 1(800)367-8331 or (850)922-1115.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR  
VEHICLES**

**Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that STR Motorsports, Inc., intends to allow the establishment of Affordable ATV's Inc., as a dealership for the sale of KYMCO motorcycles, at 3131 East Gulf to Lake Highway, Inverness (Citrus County), Florida 34453, on or after October 1, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Affordable ATV's Inc., are dealer operator: William Ogle III, 3131 East Gulf to Lake Highway, Inverness, Florida 34453; principal investor(s): William Ogle III, 3131 East Gulf to Lake Highway, Inverness, Florida 34453.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Bruce Ramsey, VP of Sales/Marketing, STR Motorsports, Inc., 1770 Campton Road, Inman, South Carolina 29349.

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, Peterbilt Motors Company, intends to allow the establishment of Palm Peterbilt-GMC Trucks, as a dealership for the sale of Peterbilt trucks, at 5313 Martin Luther King Boulevard/State Rd. 82, Fort Myers (Lee County), Florida 33905, on or after December 15, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Palm Peterbilt-GMC Trucks, Inc., are dealer operator: David Weiger, 2441 S State Rd. 7 (441), Fort Lauderdale, Florida 33317; principal investor(s): Victor Weiger, David Weiger and Deborah Demers, 2441 S State Rd. 7 (441), Fort Lauderdale, Florida 33317.

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: David Weiger, President/CEO, Peterbilt Motors Company, 2441 S. State Rd. 7 (441), Fort Lauderdale, Florida 33317.

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, Irbit Motorworks of American, Inc., intends to allow the establishment of Ural Miami, Corporation, as a dealership for the sale of Ural motorcycles, at 7492 Northwest 8th Street, Miami (Dade County), Florida 33126, on or after September 28, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Ural Miami, Corporation, are dealer operator: Luis Pinon, 7492 Northwest 8th Street, Miami, Florida 33126; principal investor(s): Luis Pinon, 7492 Northwest 8th Street, Miami, Florida 33126.

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: Madina Merzhoyeva, Dealer Relations Manager, Irbit Motorworks of American, Inc., 1541 Northeast 95th Street, Redmond, Washington 98052.

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, Victory Motorcycles, intends to allow the establishment of Victory of South Florida, Inc., as a dealership for the sale of Victory motorcycles, at 840 South Andrews Avenue, Pompano Beach (Broward County), Florida 33069, on or after September 12, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Victory of South Florida, Inc., are dealer operator: Walter T. Jakobowski and Judith E. Jakobowski, 1208 Orange Aisle, Fort Lauderdale, Florida 33315; principal investor(s): Walter T. Jakobowski and Judith E. Jakobowski, 1208 Orange Aisle, Fort Lauderdale, Florida 33315.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael W. Malone, VP Finance, CFO, Victory Motorcycles, 2100 Highway 55, Medina, Minnesota 55340.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE OF LITIGATION**

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on October 3, 2005, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 408.039, F.S. and Section 59C-1.012, F.A.C. In deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

CON#	INITIAL	DECISION,	PROJECT,	CTY,
	APPLICANT,	PARTY REQUEST	HEARING (PRH)	
8535	Denial,	modification to authorize	elimination of a 30% Medicaid condition,	Martin County, Sandhill Cove Properties, Inc. d/b/a Water's Edge at Sandhill Cove, (PRH) same as applicant
9843	Approval,	establish a new hospice program,	Citrus County, Hospice of Citrus County, (PRH) North Central Florida Hospice, Inc.	
9843	Approval,	establish a new hospice program,	Citrus County, Hospice of Citrus County, (PRH) Hospice of the Palm Coast, Inc.	
9843	Approval,	establish a new hospice program,	Citrus County, Hospice of Citrus County (PRH) Heartland Services of Florida, Inc.	
9844	Denial,	establish a hospice program,	Alachua County, Hospice of the Palm Coast, Inc., (PRH) same as applicant	
9844	Supports denial,	establish a hospice program,	Alachua County, Hospice of the Palm Coast, Inc., (PRH) North Central Florida Hospice, Inc.	
9844	Supports denial,	establish a hospice program,	Alachua County, Hospice of the Palm Coast, Inc., (PRH) Heartland Services of Florida, Inc.	
9846	Denial,	establish a hospice program,	Alachua County, Heartland Services of Florida, Inc., (PRH) same as applicant	
9846	Supports denial,	establish a hospice program,	Alachua County, Heartland Services of Florida, Inc., (PRH) North Central Florida Hospice, Inc.	

- 9846 Supports denial, establish a hospice program, Alachua County, Heartland Services of Florida, Inc., (PRH) Hospice of the Palm Coast, Inc.
- 9847 Denial, establish a new inpatient hospice facility consisting of 12 freestanding inpatient beds in a 16 bed hospice facility, Columbia County, North Central Florida Hospice, Inc., (PRH) same as applicant
- 9848 Denial, establish an 10 bed freestanding inpatient hospice facility, Lake County, Hospice of Lake & Sumter, Inc., (PRH) same as applicant
- 9849 Denial, establish an 8 bed freestanding inpatient hospice facility, Sumter County, Hospice of Lake & Sumter, Inc., (PRH) same as applicant
- 9850 Denial, establish 8 inpatient hospice beds in a 12 bed freestanding hospice facility, Volusia County, Halifax Hospice, Inc. d/b/a Hospice of Volusia-Flagler, (PRH) same as applicant
- 9853 Approval, establish a hospice program, Hardee County, HOPE of Southwest Florida, Inc., (PRH) Heartland Hospice Services of Florida, Inc.
- 9853 Approval, establish a hospice program, Hardee County, HOPE of Southwest Florida, Inc., (PRH) Vitas Healthcare Corporation of Florida
- 9853 Approval, establish a hospice program, Hardee County, HOPE of Southwest Florida, Inc., (PRH) Hospice of the Palm Coast, Inc.
- 9854 Supports denial, establish a hospice program, Highlands County, Hospice of Okeechobee, Inc., (PRH) Heartland Hospice Services of Florida, Inc.
- 9854 Supports denial, establish a hospice program, Highlands County, Hospice of Okeechobee, Inc., (PRH) Vitas Healthcare Corporation of Florida
- 9854 Supports denial, establish a hospice program, Highlands County, Hospice of Okeechobee, Inc., (PRH) Hospice of the Palm Coast, Inc.
- 9855 Denial, establish a hospice program, Polk County, Hospice of the Palm Coast, Inc., (PRH) same as applicant
- 9855 Supports denial, establish a hospice program, Polk County, Hospice of the Palm Coast, Inc., (PRH) Heartland Hospice Services of Florida, Inc.
- 9855 Supports denial, establish a hospice program, Polk County, Hospice of the Palm Coast, Inc., (PRH) Vitas Healthcare Corporation of Florida
- 9856 Denial, establish a hospice program, Polk County, VITAS Healthcare Corporation of Florida, (PRH) same as applicant
- 9856 Supports denial, establish a hospice program, Polk County, VITAS Healthcare Corporation of Florida, (PRH) Heartland Hospice Services of Florida, Inc.
- 9856 Supports denial, establish a hospice program, Polk County, VITAS Healthcare Corporation of Florida, (PRH) Hospice of the Palm Coast, Inc.
- 9857 Denial, establish a hospice program, Polk County Heartland Hospice Services of Florida, Inc., (PRH) same as applicant
- 9857 Supports denial, establish a hospice program, Polk County Heartland Hospice Services of Florida, Inc., (PRH) Vitas Healthcare Corporation of Florida
- 9857 Supports denial, establish a hospice program, Polk County Heartland Hospice Services of Florida, Inc., (PRH) Hospice of the Palm Coast, Inc.
- 9858 Denial, establish a hospice program, Orange County, Heartland Hospice Services of Florida, Inc., (PRH) same as applicant
- 9861 Denial, construct a replacement 178 bed nursing home, Sarasota County, Sarvop, LLC, (PRH) same as applicant
- 9862 Denial, establish a hospice program, Palm Beach County, Heartland Hospice Services of Florida, Inc., (PRH) same as applicant
- 9863 Denial, establish a 13 bed freestanding inpatient hospice facility, Dade County, Catholic Hospice, Inc., (PRH) same as applicant

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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**DEPARTMENT OF HEALTH**

On October 3, 2005, M. Rony François, M.D., M.S.P.H., Ph.D, Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Michael Jay Green, CH, license number CH 5285. This Emergency Suspension Order was predicated upon the Secretary’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On September 29, 2005, M. Rony François, M.D., M.S.P.H., Ph.D, Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Patricia Brown, JC, license number JC 13849. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On September 28, 2005, M. Rony François, M.D., M.S.P.H., Ph.D, Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Richard A. Oost, L.M.T. and J.C. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On October 4, 2005, M. Rony François, M.D., M.S.P.H., Ph.D, Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Breanna Lynne Scott, RN, LPN, license number RN 9219128 and PN 5160767. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On October 4, 2005, M. Rony François, M.D., M.S.P.H., Ph.D, Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Susan Wehle, M.D., license number ME 42523. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On September 28, 2005, M. Rony François, M.D., M.S.P.H., Ph.D, Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Mary Ellen Hewitt, R.N., license number RN 9168828. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On September 29, 2005, M. Rony François, M.D., M.S.P.H., Ph.D, Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Shannon Lorene Reynolds, L.P.N., license number PN 5152682. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On September 28, 2005, M. Rony François, M.D., M.S.P.H., Ph.D, Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Graham L. Hockaday, C.N.A., license number CX 7578642157. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On October 3, 2005, M. Rony François, M.D., M.S.P.H., Ph.D, Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of William Maxwell, L.P.N., license number PN 1045531. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On September 29, 2005, M. Rony François, M.D., M.S.P.H., Ph.D, Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Florida Drug of Tampa, license number PH 1510. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On September 29, 2005, M. Rony François, M.D., M.S.P.H., Ph.D, Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Toni Lynn Grimaldi, R.Ph, license number PS 16806. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

**DEPARTMENT OF FINANCIAL SERVICES**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Chapter 69U-105, F.A.C. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., November 4, 2005):

**APPLICATION TO MERGE**

Constituent Institutions: DOT District 5 Credit Union, Deland, Florida, and Florida Transportation Credit Union, Ft. Lauderdale, Florida

Resulting Institution: Florida Transportation Credit Union,  
Received: September 29, 2005

**APPLICATION FOR A NEW FINANCIAL INSTITUTION**

Applicant and Proposed Location: Preferred Community Bank, SW portion of land of the NW quadrant of the intersection of Winkler Avenue and Colonial Boulevard, Fort Myers, Lee County, Florida 33935

Correspondent: John Greeley, 255 South Orange Avenue, Suite 800, Orlando, Florida 32801

Received: September 30, 2005

**APPLICATION TO ACQUIRE CONTROL**

Financial Institution to be Acquired: Bank of Jackson County (BJC Holdings, Inc.), Graceville, Florida

Proposed Acquirer: Thomas W. Wilder, IV

Received: October 4, 2005

Office of Financial Regulation has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at [http://www.fldfs.com/ofr/banking/cu\\_expansion.htm](http://www.fldfs.com/ofr/banking/cu_expansion.htm).

Name and Address of Applicant: Omni Community Credit Union, P. O. Box 23045, Jacksonville, Florida 32241

Expansion Includes: Geographic area

Received: September 27, 2005

Name and Address of Applicant: Campus USA Credit Union, P. O. Box 147029, Gainesville, Florida 32614-7029

Expansion Includes: Geographic area

Received: September 29, 2005

Name and Address of Applicant: PowerNet Credit Union, 5619 Harney Road, Tampa, Florida 33610

Expansion Includes: Association Group

Received: October 4, 2005

**FLORIDA POWER AND LIGHT COMPANY**

NOTICE IS HEREBY GIVEN that Florida Power & Light Company has appointed Mr. R. Bryan Fennell, General Manager of Environmental Services, as Designated Representative (DR) for the following EPA Acid Rain affected units/sites: Cutler, Riviera, Putnam, Sanford, Lauderdale, Fort Myers, Port Everglades, Cape Canaveral, Manatee, Martin and Turkey Point. Mr. Fennell replaces Mr. Jose Alvarez as former DR for FPL Plant Operations. The Alternate Designated Representative (ADR) for FPL shall remain Mr. Adalberto Alfonso. Mr. Fennell has all the necessary authority to carry out the responsibilities of the Designated Representative on behalf of Florida Power & Light Company, pursuant to the Acid Rain Program of the Clean Air Act Amendments of 1990. This Notice is made in accord with 40 CFR 72, and any other applicable regulations of the Clean Air Act Amendments of 1990, 42 USCA 7401, et seq.

**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN September 26, 2005  
 and September 30, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**REGIONAL PLANNING COUNCILS**

**Tampa Bay Regional Planning Council**

29H-9.003	9/29/05	10/19/05	31/31	
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**CORRECTIONS**

33-204.003	9/26/05	10/16/05	31/34	
33-601.100	9/29/05	10/19/05	31/34	

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

40D-1.002	9/29/05	10/19/05	31/34	
40D-1.6105	9/29/05	10/19/05	31/31	
40D-1.659	9/29/05	10/19/05	31/23	31/35
40D-1.659	9/29/05	10/19/05	31/31	
40D-1.659	9/29/05	10/19/05	31/34	
40D-2.091	9/29/05	10/19/05	31/31	
40D-2.341	9/29/05	10/19/05	31/31	
40D-2.351	9/29/05	10/19/05	31/31	
40D-2.381	9/29/05	10/19/05	31/31	
40D-4.091	9/29/05	10/19/05	31/34	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

**Electrical Contractors' Licensing Board**

61G6-9.006	9/27/05	10/17/05	31/33	
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-204.800	9/27/05	10/1/05	29/35	
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

69L-7.602	9/30/05	10/20/05	31/24	31/30
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