

**Section I**

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

**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: Water Extracted Soluble Fruit Solids  
 RULE NO.: 20-64.021

PURPOSE AND EFFECT: New rule section exempting approved plants operating under the Florida Quality Systems Certification Program for Finished Product from the notice provisions with regard to Water Extracted Soluble Fruit Solids and renumbering subsequent sections.

SUBJECT AREA TO BE ADDRESSED: Exempting approved plants operating under the Florida Quality Systems Certification Program for Finished Product from the notice provisions with regard to Water Extracted Soluble Fruit Solids.

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

LAW IMPLEMENTED: 601.10(7), 601.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: 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.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Medicaid**

RULE TITLE: Payment Methodology for Outpatient  
 RULE NO.: 59G-6.030

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development are to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan

(the Plan) payment methodology effective July 1, 2005 in accordance with the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 194.

1. Effective July 1, 2005 outpatient reimbursement ceilings shall be eliminated for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. Effective July 1, 2005 through June 30, 2006, these hospitals that qualify under this provision will receive an interim amount equal to 50 percent of the benefit of being exempt from the application of these ceilings, except any public hospital that meets the 11 percent threshold using an average of the 1999, 2000 & 2001 audited DSH data that is available shall not receive a reduction in the amount of their payments as a result of eliminating the outpatient reimbursement ceilings. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available. Any hospital that met the 11 percent threshold in State Fiscal Year 2004-2005 and was also exempt from the outpatient reimbursement ceilings shall remain exempt from the outpatient reimbursement ceilings for State Fiscal Year 2005-2006, subject to the payment limitations imposed in this paragraph.

2. Effective July 1, 2005 outpatient reimbursement ceilings shall be eliminated for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2. Effective July 1, 2005 through June 30, 2006, these hospitals will receive an interim amount equal to 50 percent of the benefit of being excluded from the application of an inpatient ceiling.

3. Effective July 1, 2005, the outpatient reimbursement ceilings shall be eliminated for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2005 or become a designated or provisional trauma center during State Fiscal Year 2005-2006. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available.

4. Interim payments regarding the elimination of reimbursement ceilings shall be increased up to 100% of the benefit of being exempt from the application of these ceilings should the hospital inpatient upper payment limit change to support such an increase. The hospitals qualifying for the restoration of their rates are the hospitals that qualified as hospitals whose Medicaid and charity care days as a percentage to total adjusted hospital days equals or exceeds 11 percent and hospitals with a minimum of ten licensed level II

Neonatal Intensive Care Units located in Trauma Services Area 2. The restoration of the inpatient rates is contingent on new cost report data providing for an increase in the amount of public hospital upper payment limit for State Fiscal Year 2005-2006. Any allowable growth in the public hospital upper payment limit balance will first be used to restore the loss in inpatient rates experienced by Jackson Memorial Hospital. Upon the loss by Jackson Memorial Hospital being restored any remaining growth in the public upper payment limit balance will be applied to the remaining hospitals in the same proportion as their rate reduction.

5. Effective July 1, 2005 the Agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan that may include, but is not limited to, the inflation factor, variable cost target, county rate ceiling or county ceiling target rate to achieve a recurring reduction of \$16,796,807 from inflationary and other price level increases.

6. Updates to the outpatient hospital revenue center codes.  
 SUBJECT AREA TO BE ADDRESSED: Outpatient hospital reimbursement rates, ceilings, and revenue codes.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., November 29, 2005

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Tallahassee, Florida 32308, (850)414-2759

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME. PLEASE CONTACT THE PERSON LISTED ABOVE FOR A COPY OF THE PROPOSED RULE LANGUAGE WHEN AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE TITLE: RULE NO.:

Percentage of Gross Pilotage Assessed 61G14-19.001

PURPOSE AND EFFECT: The Board proposes the amendment to reduce the percentage of gross pilotage assessed.

SUBJECT AREA TO BE ADDRESSED: Percentage of gross pilotage.

SPECIFIC AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G14-19.001 Percentage of Gross Pilotage Assessed.

(1) The Department of Business and Professional Regulation shall assess the pilots in the respective ports of the state ~~twenty-five hundredths six tenths~~ of one percent (.25%) (~~0.6%~~) of the gross amount of pilotage earned by said pilots during each year. For the purposes of said assessment, the gross amount of pilotage earned shall be the amount of money collected by each pilot or by each entity of which the pilot is a member for piloting which shall include and not be limited to payment for piloting vessels to and from ports of this state, docking or undocking vessels, shifting vessels, running lines, delivering orders at sea, cancelled orders, boat service, detention, pilots being carried to sea, anchoring vessels, and any other related services rendered. Funds collected due under this are to be made payable to the Board and paid by the fifteenth of the following month. When received, the funds are paid into the Professional Regulation Trust Fund as created within the Department.

(2) No change.

Specific Authority 310.131, 310.185 FS. Law Implemented 310.131 FS. History—New 2-5-76, Amended 1-19-77, 1-1-78, 12-7-78, 11-1-81, 6-8-82, 8-9-82, 7-31-83, Formerly 21SS-3.01, Amended 5-30-89, 2-19-90, 12-30-91, 12-2-92, Formerly 21SS-3.001, 21SS-19.001, Amended 3-20-94, 1-5-95, 1-30-96, 3-17-96, 11-21-96, 8-25-97, 1-26-99, 1-31-01, 8-1-02, 7-8-03, 2-17-05, 10-2-05, \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Office of Administration**

RULE TITLES:	RULE NOS.:
Scope	63F-9.001
Definitions	63F-9.002
Calculating Estimated Costs	63F-9.003
Fiscally Constrained Counties	63F-9.004

Receipt of Payment	63F-9.005
Quarterly Reporting	63F-9.006
Annual Reconciliation	63F-9.007
Dispute Resolution and Collection	63F-9.008

PURPOSE AND EFFECT: The proposed rule is intended to implement newly created Section 985.2155, Florida Statutes, governing the shared responsibility of counties and the state for juvenile detention.

SUBJECT AREA TO BE ADDRESSED: Standards and procedures for apportioning and collecting counties' responsibility for pretrial secure detention costs.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.2155 FS.

LAW IMPLEMENTED: 985.2155 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. – 3:00 p.m., Friday, November 18, 2005

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Suite 104, Tallahassee, FL 32399-3100, e-mail clyde.benedix@djj.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

63F-9.001 Scope.

This rule establishes the process by which pre-disposition detention costs are shared by state and county government.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(1) FS. History–New \_\_\_\_\_.

63F-9.002 Definitions.

(1) “Cost of detention care” means the cost of providing detention care as determined by the General Appropriations Act.

(2) “County estimated cost of detention care” means a projected cost estimate based upon a county’s prior annual usage.

(3) “Final court disposition” means the date the court enters a disposition for the subject referral.

(4) “Fiscally constrained county” means a county designated as a rural area of critical economic concern under Section 288.0656, Florida Statutes, and which is not required to pay the full costs of its resident juveniles’ predisposition detention care.

(5) “Residence” means the county where, at the time of referral, a child resides, as determined by a DJJ intake officer and reflected in the Juvenile Justice Information System.

(6) “Secure detention” means the temporary custody of a child under the physical restriction of a detention center or facility pending adjudication, disposition, or placement.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155 FS. History–New \_\_\_\_\_.

63F-9.003 Calculating Estimated Costs.

(1) Each county’s share of predisposition detention costs is based upon usage during the previous fiscal year, with the first year’s estimates based upon usage during fiscal year 2004-05. Estimates will be calculated as follows:

(a) All youth served in secure detention during the relevant fiscal year as reflected in the Juvenile Justice Information System will be identified;

(b) Each placement record will be matched to the appropriate referral based upon the referral identification code. Placements associated with administrative handling, such as pick-up orders and violations of probation, will be matched to a disposition date for their corresponding statutory charge;

(c) The number of service days in secure detention is computed by including all days up to and including the date of final disposition for the subject referral.

(2) Each county will receive a percentage computed by dividing the number of days used during the previous year by the total number of days used by all counties. The resulting percentage, when multiplied by the cost of detention care as fixed by the legislature, constitutes the county’s estimated annual cost.

(3) The estimated cost will be billed to the counties in monthly installments.

(4) Invoices are to be mailed on the first day of the month prior to the service period, so that an invoice for the August service period will be mailed on July 1.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(3) FS. History–New \_\_\_\_\_.

63F-9.004 Fiscally Constrained Counties.

(1) Each fiscally constrained county will be assigned a percentage computed by dividing its previous year’s number of predisposition detention days by the total number of predisposition detention days used by all fiscally constrained counties during the previous year.

(2) Each county’s percentage is multiplied by the amount appropriated by the legislature to pay the costs of detention care. For informational purposes, fiscally constrained counties will be invoiced for their prorated monthly share.

(3) If the total number of predisposition service days actually used by all fiscally constrained counties combined exceeds the previous year’s usage for which appropriation was made by the legislature, matching funds will be required to make up the shortfall. Fiscally constrained counties will be assessed for the amount of the shortfall under the following methodology:

(a) The total number of excess service days will be translated into a dollar figure based upon the percentage of increase over the original budgeted amount.

(b) Each fiscally constrained county will be responsible for a share of the shortfall computed by multiplying its assigned percentage calculated in subsection (1) by the total shortfall computed in paragraph (3)(a).

(4) The department shall determine whether a shortfall is likely at the end of the third quarter. If a shortfall is expected, the department shall provide fiscally constrained counties an estimate of their share of the expected shortfall on or before June 1.

(5) Fiscally constrained counties will be billed for their share of the shortfall by August 1, and payment is due no later than October 1.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(4) FS. History—New \_\_\_\_\_.

#### 63F-9.005 Receipt of Payment.

(1) Payment is to be made by check or by pre-arranged wire transfer, which is due the first day of the monthly service period.

(2) Payment will be deemed in arrears on the second day of the monthly service period.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5)-(6) FS. History—New \_\_\_\_\_.

#### 63F-9.006 Quarterly Reporting.

(1) Each quarter, the Department shall prepare a report to determine the extent of each county's actual usage. The report is to assist counties in fiscal planning and budgeting, and is not a substitute for the annual reconciliation or grounds for adjusting or withholding payment.

(2) The report shall contain the following information:

(a) Youth's name;

(b) Youth's address at the time of the referral;

(c) Sex;

(d) Date of birth;

(e) Name of parent or guardian;

(f) Phone contact;

(g) Number of detention days.

(3) The report will be provided to counties 45 days after the end of each quarter.

(4) The limited release of juvenile identifying information contained in each county's quarterly report is confidential. The release will not include treatment or charging information, is limited to the county official(s) designated to receive the report, and is not to be used for any purpose other than that of verifying the provision of detention services.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(7) FS. History—New \_\_\_\_\_.

#### 63F-9.007 Annual Reconciliation.

(1) On or before September 30 of each year, the Department shall provide a reconciliation statement to each paying county. The statement shall reflect the difference between the estimated costs paid by the county during the past fiscal year and the actual cost of the county's usage during that period.

(2) If a county's actual usage is found to have exceeded the amount paid during the fiscal year, the county will be invoiced for the excess usage. The invoice will accompany the reconciliation statement, and shall be payable on or before November 1.

(3) If a county's actual usage was less than the estimated amounts paid during the fiscal year, the county will be credited for its excess payments. Credit will be reflected in the November billing, and will carry forward as necessary.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5) FS. History—New \_\_\_\_\_.

#### 63F-9.008 Dispute Resolution and Collection.

(1) The quarterly reporting marks the point at which a county may take issue with the charges referenced in the report, but it cannot be the basis for withholding payment. Adjustments, including those necessitated by dispute resolution, cannot be made until the annual reconciliation.

(2) Disputes based upon a quarterly report, such as those relating to the residence of served youth or the number of chargeable service days, must be brought within the quarter following that to which the dispute pertains. For example, a dispute over a charge during the July-September quarter must be brought on or before the end of December.

(3) General objections, such as those seeking confirmation of a youth's county of residence, will be summarily denied. Disputes involving a detained youth's county of residence must set forth an alternative address asserted to be correct, and should be accompanied by supporting documentation.

(4) Disputes must be raised by means of form DJJ-DCS1, and sent by certified mail to the Department's Bureau of Finance and Accounting at 2737 Centerview Drive, Suite 212, Tallahassee, Florida 32399-3100. Accompanying documentation in support of the county's position may be included.

(5) Form DJJ-DCS1, is incorporated by reference and is available from the Bureau of Finance and Accounting in Tallahassee.

(6) The Department's response constitutes final agency action and may be challenged through the process available in Chapter 120, Florida Statutes.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5)-(8) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance Boards**

RULE TITLE: RULE NO.:

Random Audit of License Renewal 64B-5.004  
 Requirements

PURPOSE AND EFFECT: To create a rule that specifically authorizes the random audit of license renewal requirements.

SUBJECT AREA TO BE ADDRESSED: Random Audit of License Renewal Requirements.

SPECIFIC AUTHORITY: 456.004(1), 456.025(7) FS.

LAW IMPLEMENTED: 456.004(1), 456.013, 456.072(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Diane Orcutt, Deputy Director, MQA Enforcement, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399-3250

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLE: RULE NO.:

Solicitation 64B2-15.002

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

SUBJECT AREA TO BE ADDRESSED: Solicitation.

SPECIFIC AUTHORITY: 460.413(1)(l), 460.405 FS.

LAW IMPLEMENTED: 460.413(1)(l) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-15.002 Solicitation.

(1) No change.

(2) A chiropractor, or an employee or agent of a chiropractor, shall not conduct impermissible solicitation of solicit, in person or otherwise, a prospective patient with whom a chiropractor has no family or prior professional relationship,

when a significant motive for such solicitation is the chiropractor's pecuniary gain. A chiropractor shall not permit employees or agents of the chiropractor to solicit in the chiropractor's behalf. A chiropractor shall not enter into an agreement, charge, or collect a fee for professional services obtained in violation of this rule. The term "solicit" includes contact in person or by telephone.

(a) Solicitation of a prospective patient involved in an accident or disaster within 30 days of the accident or disaster constitutes impermissible solicitation.

(b)(a) A written communication to a prospective patient constitutes impermissible solicitation soliciting if:

1. through 3. No change.

(c)(b) No change.

(d) A telephone communication or telemarketing campaign constitutes impermissible solicitation if it includes:

1. Fraud, or the use of threats, intimidation, undue influence, or profane or obscene language in telephone communication;

2. Repeated calls that annoy, harass, or abuse the person at the called number. For purposes of this rule, return call(s) to a called number wherein the previous call(s) were routed to an answering machine or voice mail are not considered repeated calls;

3. Calling a person who has previously stated that he or she does not wish to receive a telephone call made by or on behalf of the seller whose chiropractic goods or services are being offered. Every seller of chiropractic goods or services must maintain a "do not call" phone number list in compliance with 16 C.F.R. §310.4(b)(iii)(B) and 47 C.F.R. §64.1200(c)(2);

4. Calling a prospective patient at any time other than between 8:00 a.m. and 8:00 p.m. local time Monday through Saturday of the prospective patient;

5. Requirements for an immediate response from the prospective patient to any offer made during the solicitation;

6. A failure to first disclose at the beginning of the phone call the solicitor's identity and the chiropractor, the chiropractor's license number, and practice on whose behalf the solicitation is being made, the purpose of the call, a statement of the chiropractic goods or services being sold; and that no purchase or payment is necessary to participate in a promotion if a promotion is offered;

7. A failure to recite the disclaimer required by Section 456.062, Florida Statutes, when offering a free, discounted fee or reduced fee service, examination, or treatment;

8. Representations that the solicitation is approved or endorsed by the Board of Chiropractic Medicine;

9. Communications with prospective patients in a way that invade the privacy of the prospective patient, or interfere with an existing doctor/patient relationship; or

10. Communications with prospective patients otherwise prohibited by Chapters 456 and 460, Florida Statutes, or otherwise prohibited by rule or law.

(e) A record of the telephone numbers called and the script(s) used by a solicitor shall be maintained by the chiropractor for two years from the date of last use.

(f) Nothing contained in this rule is intended to authorize any chiropractor to conduct telephone solicitation in violation of Section 817.234(8)(a), (b) or (c), Florida Statutes, or Section 456.072(1)(x), Florida Statutes.

(3) No change.

Specific Authority 460.413(1)(l), 460.405 FS. Law Implemented 460.413(1)(l) FS. History—New 1-10-80, Formerly 21D-15.02, Amended 6-24-93, Formerly 21D-15.002, 61F2-15.001, Amended 7-18-95, Formerly 59N-15.002, Amended 7-12-99,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Qualifications of Physicians Who Evaluate and Treat Sex Offenders

RULE NO.: 64B8-9.015

PURPOSE AND EFFECT: The Board proposes the development of rules to address the coursework, training, qualifications and experience of physicians to evaluate and treat sex offenders.

SUBJECT AREA TO BE ADDRESSED: The coursework, training, qualifications and experience of physicians to evaluate and treat sex offenders.

SPECIFIC AUTHORITY: 458.309, 947.005(9) FS.

LAW IMPLEMENTED: 947.005(9) FS.

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

TIME AND DATE: 2:00 p.m., December 1, 2005

PLACE: Sheraton, Fort Lauderdale Airport, 1825 Griffin Road, Fort Lauderdale, Florida 33004

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 Osteopathic Medicine**

RULE TITLE: Qualifications of Physicians Who Evaluate and Treat Sex Offenders

RULE NO.: 64B15-14.011

PURPOSE AND EFFECT: The Board proposes the development of rules to address the coursework, training, qualifications and experience of physicians to evaluate and treat sex offenders.

SUBJECT AREA TO BE ADDRESSED: The coursework, training, qualifications and experience of physicians to evaluate and treat sex offenders.

SPECIFIC AUTHORITY: 459.005, 947.005(9) FS.

LAW IMPLEMENTED: 947.005(9) FS.

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

TIME AND DATE: 2:00 p.m., December 1, 2005

PLACE: Sheraton, Fort Lauderdale Airport, 1825 Griffin Road, Fort Lauderdale, Florida 33004

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**

**Optical Establishments**

RULE TITLE: Optical Establishment Inspection

RULE NO.: 64B29-1.002

PURPOSE AND EFFECT: The Department of Health proposes to amend the rule text.

SUBJECT AREA TO BE ADDRESSED: Optical establishment inspection.

SPECIFIC AUTHORITY: 484.007, 484.014, 484.015 FS.

LAW IMPLEMENTED: 484.007, 484.012, 484.014, 484.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin C08, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Division of Health Awareness and Tobacco**

RULE TITLES: General Regulations; Definitions Fees

RULE NOS.: 64F-12.001 64F-12.018

PURPOSE AND EFFECT: This rule amendment defines the term ‘authorized absence’ as used in the statutes dealing with a designated representative. Defining this term will set parameters for conditions under which a designated

representative may be absent from a permitted prescription drug wholesaler establishment during business hours. The proposed rule also provides for 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. The bureau's agents schedule initial application inspections with the applicant. However, on an increasing frequency, the applicant fails to appear for the scheduled inspection or does not have the establishment conditions and policies and procedures required for initial inspection despite confirmation on the application and confirmed during the telephone call scheduling the inspection that these requirements have been met. This necessitates a subsequent inspection by the agents.

SUBJECT AREA TO BE ADDRESSED: The term "authorized absence" in Section 499.012(11), F.S., related to a designated representative is defined and an additional on-site inspection fee is authorized when a re-inspection is required for an initial application because the applicant was not ready or available for a scheduled inspection.

SPECIFIC AUTHORITY: 499.05 FS.

LAW IMPLEMENTED: 499.012, 499.041 FS.

A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD. THE AGENCY HEAD HAS DETERMINED THAT A RULE DEVELOPMENT WORKSHOP IS UNNECESSARY SINCE THESE ISSUES WERE PREVIOUSLY NOTICED AND SUBJECT TO A RULE DEVELOPMENT WORKSHOP ON AUGUST 17, 2005.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-12.001 General Regulations; Definitions.

(1) No change.

(2) In addition to definitions contained in Sections 499.003, 499.012(1), 499.0121(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 (cc) renumbered (d) through (dd) 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-12.018 Fees.

(1) through (3) No change.

(4) Miscellaneous other fees are as follows:

<u>Description of other service fees</u>	<u>Fee</u>
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,\_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE TITLE: Disciplinary Standards  
 RULE NO.: 65C-32.001  
 PURPOSE AND EFFECT: This notice advises of the agency's desire to obtain an exception to the uniform personnel rules of the Department of Management Services set forth in Title 60L, F.A.C. If approved by the Administration Commission, and following adoption by the agency, the rule would disqualify former agency employees disciplined for cause by the agency, or former agency employees who resign their position in lieu of discipline or pending an investigation from employment or re-employment with the agency.  
 SUBJECT AREA TO BE ADDRESSED: Discipline and employability of former agency employees.  
 SPECIFIC AUTHORITY: 110.201 FS.  
 LAW IMPLEMENTED: 110.201, 110.211, 110.213, 110.227, 110.403, 110.604, 110.605 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: David R. DiSalvo, Human Resources Director-DCF, 1317 Winewood Blvd., Bldg 1, Room 106C, Tallahassee, FL, (850)488-2840  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: Filing Procedures for Workers' Compensation Classifications, Rules, Rates, Rating Plans, Deviations and Forms  
 RULE NO.: 690-189.016  
 PURPOSE AND EFFECT: The proposed new rule adopts existing policy applicable to the review and approval of workers' compensation classifications, rules, rates, rating plans, deviations and forms. It makes clear that the filing shall be submitted electronically.  
 SUBJECT AREA TO BE ADDRESSED: Filing procedures for Workers' Compensation.  
 SPECIFIC AUTHORITY: 624.308(1), 624.424(1)(c) FS.  
 LAW IMPLEMENTED: 624.307(1), 624.424(1)(c), 627.091, 627.101, 627.211, 627.410 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 3:00 p.m., December 1, 2005  
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Theresa Eaton, Property and Casualty Product Review, Office of Insurance Regulation, E-mail theresa.eaton@fldfs.com.  
 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 above.  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II  
 Proposed Rules**

**DEPARTMENT OF STATE**

RULE TITLE: Use of the Seal of the State of Florida  
 RULE NO.: 1-2.0021  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise and conform the criteria for using the Great Seal to current administrative practice and to ensure that the Great Seal is only used in a manner that is in the best interest of the State of Florida.  
 SUMMARY: The Office of the Secretary proposes to develop the rule to clarify and revise the criteria upon which decisions regarding use of the Great Seal are made.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.  
 Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.  
 SPECIFIC AUTHORITY: 15.03 FS.  
 LAW IMPLEMENTED: 15.03 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 3:00 p.m., November 29, 2005  
 PLACE: Large Conference Room, Office of Secretary, Suite 100, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stephen S. Mathues, Assistant General Counsel, Office of the General Counsel, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6208



THE FULL TEXT OF THE PROPOSED RULE IS:

1-2.0021 Use of the Seal of the State of Florida.

(1) No person, without express written authorization from the Department, shall manufacture, use, display or otherwise employ a facsimile or reproduction of the Great Seal of the State of Florida (Great Seal or Seal), except as provided in this rule.

(2) Any person desiring to obtain approval from the Department for the manufacture or use of ~~a the~~ facsimile or reproduction of the Great Seal shall make application on the form prescribed by the Department. The form, Application for Manufacture or Use of the Great Seal of the State of Florida, Form DS-19, effective \_\_\_\_\_ ~~5/96~~, is incorporated by reference herein and is available from the Office of the Secretary.

(3) Department approval for use of the Great Seal is for a term of 4 years, unless otherwise stated by the Department, and can be renewed upon the completion and approval of a new application.

(4)(3) Applications and supporting documents shall be filed with the Office of the General Counsel, Department of State, R. A. Gray Building, 500 South Bronough Street ~~LL-10, The Capitol~~, Tallahassee, Florida 32399-0250. For manufactured items, a separate application for each unique item to be manufactured shall be required.

(5) Definitions. The following words shall have the following meanings for the purposes of this rule:

(a) "Political or campaign purposes" shall include all uses related to a past, present, or future political campaign;

(b) "Official government stationery" means stationery intended for use by a state governmental agency when specific written approval for use of the Great Seal has been granted by the head of that agency;

(c) "Official government business cards" means business cards in use by a current state governmental agency when specific written approval for use of the Great Seal has been granted by the head of that agency;

(d) "State governmental agency" includes entities defined by subsections 120.52(1) and (2), F.S., but not including subparagraph 120.52(1)(b)8., F.S., and authorized staff members of those entities;

(e) "Local governmental agency" includes any local governmental agency, including counties, municipalities, special districts or other separate units of local government created or established by law, and authorized staff members of such entities;

(f) "Official government publications" are publications published by or on behalf of the State of Florida;

(g) "Publications serving a governmental purpose" are those publications not published by the State of Florida, which the Department of State, within its discretion, determines are of significant interest to the state, including but not limited to

educational publications, where use of the Great Seal would not mislead the public to believe that the publication carries official State sanction or approval.

(6)(4) Standards for Approval. A non-transferable letter of authority, ~~which is not transferable~~, may be issued to the applicant if the applicant affirmatively demonstrates to the Department that the Great Seal will be used for a proper purpose. In order to determine what constitutes a proper purpose, the Department shall consider, at a minimum, the following:

(a) The specific item to be manufactured;

(b) The manner in which the Great Seal is to be displayed on the item to be manufactured;

(c) The nature of the proposed use, including manner, purpose and place of use;

(d) Whether the public would tend to be misled by the appearance of the Great Seal on the product to believe that the product carries official State sanction or approval;

(e) Whether the use of the Great Seal would tend to mislead the public into believing that a person, meeting, project or event carries official State sanction or approval;

(f) Whether the dignity of the Great Seal will be preserved if approval is granted;

(g) Whether the requested use of the Great Seal will promote a specific State interest.

(7)(5) In no event shall approval be given for the use of the Great Seal for the following:

(a) Political or campaign purposes;

(b) Stationery other than official government stationery;

(c) Decorative automobile license tags;

(d) Business cards other than official government business cards;

(e) Designation of landmarks not listed in the National Registry of Historical Places or designated as a historical site under a local ordinance;

(f) T-shirts, jackets, or other clothing which might lead the public to believe that the person wearing such apparel is an official of the state, not including official state government uniforms or apparel approved by the head of the state governmental agency;

(g) Publications other than official state government agency publications or publications serving a governmental purpose; or

(h) Advertising and news releases.

(8)(6) A letter of authority issued pursuant to this rule shall not become a vested property right in the grantee and approval may be revoked at the discretion of the Department any time prior to the expiration of the authorized term. The Department shall revoke any approval issued by it if the applicant fails to preserve the dignity of the Great Seal or the use no longer promotes a specific state interest. Approval shall also be revoked where the Department # finds that the holder

or his/her agent submitted false or inaccurate information in the application or has violated state law, Department rules, regulations or conditions of approval relating to the use of the Great Seal.

~~(9)(7) State and Local Government Agencies. Subject to the requirements of subsection 1-2.0021(6)(4), F.A.C., state and local governmental agencies as defined in paragraphs 1-2.0021(4)(d) and (e), F.A.C., the following governmental entities and authorized staff members may use and display the Great Seal in connection with official business without application to the Department: members of the Legislature; members of the Judiciary; and any governmental agency, including state, county, municipal, district or other separate unit of government created or established by law when specific written approval for use of the Great Seal has been granted by the agency's head of the governmental entity.~~

Specific Authority 15.03 FS. Law Implemented 15.03 FS. History—New 10-2-79, Amended 6-22-83, Formerly 1-2.021, Amended 5-6-96, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephen S. Mathues

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sharon Larson

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

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

**DEPARTMENT OF STATE**

RULE TITLE: PUBLIC RECORDS REQUESTS: SPECIAL SERVICE CHARGE RULE NO.: 1-2.0031

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set out the circumstances under which the Department may impose a special service charge on parties requesting public records in conformance with Section 119.07(4)(d), Florida Statutes, and current administrative procedure.

SUMMARY: The Office of the Secretary proposes to develop the rule to clarify procedures relating to public records requests.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.10(3), 119.07(4)(d) FS.

LAW IMPLEMENTED: 119.07(4)(d) FS.

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

TIME AND DATE: 2:00 p.m., Tuesday, November 29, 2005

PLACE: Large Conference Room, Office of the Secretary, Suite 100, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stephen S. Mathues, Assistant General Counsel, Office of the General Counsel, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6208

THE FULL TEXT OF THE PROPOSED RULE IS:

1-2.0031 Public Records Requests: Special Service Charge.

(1) When the nature or volume of public records requested to be examined or copied requires extensive use of Department clerical and supervisory personnel, or extensive use of information technology resources, or both, the Department may charge in addition to the actual cost of duplication, a special service charge, as provided in paragraph 119.07(4)(d), Florida Statutes.

(a) The special service charge shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of personnel providing the service that is actually incurred by the Department or attributable to the Department for the clerical and supervisory assistance required.

(b) The term “extensive” means more than 15 minutes expended by personnel to complete all tasks defined in paragraphs (c) and (d) below.

(c) The term “clerical or supervisory assistance” includes searching for and or locating the requested record, reviewing for statutorily exempt information, deletion of statutorily exempt information, and preparing, copying and re-filing of the requested record.

(d) The term “use of information technology resources” includes the setup and implementation of an information technology defined in subsection 282.0041(7), Florida Statutes.

(2)(a) The Department will determine which personnel are appropriate to provide assistance in fulfilling the request. The special service charge will be computed to the nearest quarter of an hour exceeding 15 minutes based on the current pay grade of the personnel who performed the service. The special service charge shall be in addition to the duplication charge as provided in paragraphs 119.07(4)(a) and (b), Florida Statutes, and will be assessed regardless of the number of individual copies made. Payment for special services shall also be imposed where extensive use of personnel or information technology is necessary to determine whether the public record exists or is exempt from public disclosure.

(b) The requestor shall be required to pay any estimated special service charges, as determined by the Department, prior to personnel rendering such services. The Department will refund to the requestor any monies deposited with the Department in excess of the actual costs incurred to fulfill a



g. Businesses must post directional signing on their sites, as needed, to those RV friendly parking spaces and other on site RV friendly services, so that the motorist is given additional guidance upon leaving the public highway and entering the business establishment's property.

2. RV friendly symbol design and placement.

a. The design of the RV friendly symbol is a 12-inch diameter, yellow circle with a 1/2-inch approved non-reflective black border. The yellow background sheeting will be AASHTO Type III Sign Sheeting (High Intensity). The black upper case letters "RV" are inside the circle and are 8 inches in height and will be approved non-reflective black. If necessary for mounting, the sheeting may be attached to an aluminum circle.

b. When used, the RV friendly symbol is located in the lower right-hand corner of the business logo in a manner in which it touches both the business logo and the blue sign panel.

c. The RV friendly symbol shall not overlap other business logos.

3. RV friendly participation.

a. Businesses interested in providing this service should contact the Program Administrator.

b. Businesses in all categories may apply to use the RV friendly symbol on their business logo signs any time during their permit period.

c. The Program Administrator will inspect the business to assure compliance with the RV friendly qualifying criteria.

d. If a business subsequently fails to satisfy the RV friendly criteria, the RV friendly symbol will be removed by the Program Administrator.

4. Fees. Upon application, the business will be charged \$100.00 for each RV friendly symbol displayed.

(e)(~~f~~) Gas.

(e)1. through 3.c. No change.

(f)(~~e~~) Food. To qualify for a business logo sign in the food category, a business must meet all of the following conditions:

(f)1. through 5. No change.

(g)(~~f~~) Lodging. To qualify for a business logo sign in the lodging category, the business must meet both of the following conditions:

(g)1. through 2. No change.

(h)(~~g~~) Camping. To qualify for a business logo sign in the camping category the business must hold a permit under the provisions of Chapter 513, Florida Statutes, and must be located within fifteen miles of the interchange.

(i)(~~h~~) Attraction. To qualify for a business logo sign in the attraction category, a business must meet all of the following conditions:

(i)1. through 3. No change.

4. Be publicly recognized as a bona fide tourist destination. A bona fide tourist destination will have and keep current all legally required permits and licenses and comply

with laws concerning the provision of public accommodations pursuant to subparagraphs (10)(a)1. and 2. of the rule; will advertise to the general public additional ways other than the Logo Sign Program; and will comply with the conditions expressed in paragraph (10)(~~i~~)(~~h~~) of this rule.

5. Provide adequate parking.

6. Not be advertised or displayed on any other existing traffic control device such as a supplemental guide sign or overhead sign in the direction being signed.

7. Be located within fifteen miles of the interchange.

(11) Permitting.

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

5. Whenever space is not available on a logo structure for a business logo sign, the Program Administrator shall review the application for distance pursuant to paragraph (10)(b) above, and for operating hours pursuant to subparagraph (10)(~~f~~)(~~e~~)4., and will place the business on a waiting list in the order of the dates on which they were received. A notice will be provided to the business indicating its position on the waiting list. When space becomes available, notice will be provided to the business with the highest priority allowing the business 30 days within which to submit an application in accordance with this section.

(c)6. through (13)(b) No change.

Specific Authority 479.261, 334.044(2) FS. Law Implemented 334.044(28), 479.261 FS. History—New 6-26-85, Formerly 14-85.04, Amended 3-20-91, 10-10-96, 12-31-96, 10-8-97, 5-25-99, 8-31-99, 7-15-02, 1-7-03, 11-30-04, 3-29-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Roger Eudy, State Administrator, Motorist Information Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Denver J. Stutler, Jr., P. E., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2005

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

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

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

**DEPARTMENT OF CITRUS**

RULE 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.

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No formal Statement of Regulatory Cost has been prepared, however the Agency received testimony at its public workshop estimating substantial savings to processors are anticipated.

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

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

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

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

TIME AND DATE: 9:00 a.m., December 21, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-64.025 Florida Quality Systems Certification Program for Finished Product Inspection.

(1) The Florida Department of Agriculture and Consumer Services, Division of Fruit and Vegetables may approve registered citrus processing plants that apply and agree to comply with and qualify to operate under the terms of the Florida Quality Systems Certification Program (FQSC Program). The terms of such program are prescribed in "Florida Quality Systems Certification Program – Program Description and Guidelines" published by the Florida Department of Agriculture and Consumer Services, dated 9-16-05, incorporated herein by reference, and any rules or procedures adopted by Florida Department of Agriculture and Consumer Services. Plant personnel designated in accordance with such FQSC Program may, at his or her particular certified plant location, perform all inspection and grading activities outlined in the FQSC Program. For purposes of the FQSC Program and any rules or procedures implementing the FQSC Program, such plant personnel are deemed to be duly authorized inspectors of the Florida Department of Agriculture and Consumer Services.

(2) For participants in the FQSC Program under this rule, the sampling procedures set forth in FQSC Program contracts and auditing manuals shall be deemed the equivalent of any expressed or implied sampling methods found in Chapter 20-64, F.A.C.

(3) The FQSC Program authorized by this rule shall be applicable to finished product inspection only, and is expressly not applicable to: a) inspection of fruit for maturity; and b) inspection of imported product.

Specific Authority 601.10(1),(7), 601.11 FS. Law Implemented 601.10(7), 601.24, 601.27, 601.49, 601.51 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

**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.

SUMMARY: Exempting participants in the Florida Quality Systems Certification Program from the rule requiring notice.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.11, 601.48 FS.

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

TIME AND DATE: 9:00 a.m., December 21, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-70.006 Notice Required.

Except for approved plants which operate under the Florida Quality Systems Certification Program, pursuant to Rule 20-64.025, F.A.C., and any rules or procedures adopted by the Florida Department of Agriculture and Consumer Services,

Every citrus processor shall advise the inspector on duty, or the Division of Fruit and Vegetable Inspection, at least 24 hours in advance of labeling lots of unlabeled merchandise that has been inspected and graded into Grade B, Grade C, or Substandard classification.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.11, 601.48 FS. History—Formerly 105-1.26, Revised 1-1-75, Formerly 20-70.06, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Manifests for Processed Products

RULE CHAPTER NO.: 20-71

RULE TITLE: Manifest Requirements and Statements for

RULE NO.: 20-71.006

Transports of Processed Citrus Products  
PURPOSE AND EFFECT: Amendment requiring participants in the Florida Quality Systems Certification Program to maintain manifests for purposes of audit.

SUMMARY: Requiring participants in the Florida Quality Systems Certification Program to maintain manifests for purposes of audit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11, 601.49, 601.51 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.49, 601.52 FS.

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

TIME AND DATE: 9:00 a.m., December 21, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-71.006 Manifest Requirements and Statements for Transports of Processed Citrus Products.

With the exception of bulk citrus product shipments as specified in Rule 20-72.009, F.A.C., every shipper of processed citrus products shall deliver to the inspector a copy of the loading manifest for each shipment, which shall indicate:

(1) through (5) No change.

(6) Approved processing plants under the Florida Quality Systems Certification Program authorized by Rule 20-64.025, F.A.C., and any rules or procedures adopted by Florida Department of Agriculture and Consumer Services shall maintain manifests for purposes of audit under that program.

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. History—New 4-26-01, Amended 1-1-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Certificate of Grade Inspection –

RULE CHAPTER NO.: 20-72

Processed Products

RULE NO.: 20-72.006

RULE TITLE: Hours of Inspection

RULE NO.: 20-72.006

PURPOSE AND EFFECT: Amendment incorporating the Florida Quality Systems Certification Program for Finished Product in the rule governing hours of inspection.

SUMMARY: Incorporating the Florida Quality Systems Certification Program for Finished Product in the rule governing hours of inspection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 601.10(1),(7) FS.  
LAW IMPLEMENTED: 601.02(4),(5), 601.10(7), 601.27, 601.31 FS.

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

TIME AND DATE: 9:00 a.m., December 21, 2005  
PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-72.006 Hours of Inspection.

Inspection service for processed citrus products shall be made available by the Department of Agriculture and Consumer Services upon request of the processor, without regard to the limitation of hours applying in the case of fresh citrus fruits. With the exception of approved plants which operate under the Florida Quality Systems Certification Program pursuant to Rule 20-64.025, F.A.C., and any rules or procedures adopted by the Florida Department of Agriculture and Consumer Services, no citrus fruits or products shall be processed except in the presence of an inspector, or with his previous consent.

Specific Authority 601.10(1),(7) FS. Law Implemented 601.02(4),(5), 601.10(7), 601.27, 601.31 FS. History—Formerly 105-1.22(3), Revised 1-1-75, Formerly 20-72.06, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, General Counsel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, General Counsel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Certificate of Grade Inspection – Processed Products  
RULE CHAPTER NO.: 20-72  
RULE TITLE: Form of Certificate of Grade Inspection  
RULE NO.: 20-72.008  
PURPOSE AND EFFECT: Amendment clarifying Department of Agriculture.  
SUMMARY: Amendment clarifying Department of Agriculture.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 601.10(1), 601.9901 FS.

LAW IMPLEMENTED: 601.9901 FS.

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

TIME AND DATE: 9:00 a.m., December 21, 2005  
PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-72.008 Form of Certificate of Grade Inspection.

Certificates of grade inspection for certifying the grade of processed citrus products for which state standards have been established by the Department of Citrus, shall be in the form as prescribed by the Department of Agriculture and Consumer Services, or its agents.

Specific Authority 601.10(1), 601.9901 FS. Law Implemented 601.9901 FS. History—Formerly 105-1.22(4), Revised 1-1-75, Formerly 20-72.08, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, General Counsel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, General Counsel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Certificate of Grade Inspection – Processed Products  
RULE CHAPTER NO.: 20-72  
RULE TITLE: Issuance of Certificates Under Florida Quality Systems Certification Program  
RULE NO.: 20-72.010  
PURPOSE AND EFFECT: New rule prescribing the issuance of certificates under the Florida Quality Systems Certification Program.  
SUMMARY: Prescribing the issuance of certificates under the Florida Quality Systems Certification Program.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

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

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

LAW IMPLEMENTED: 601.27 FS.

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

TIME AND DATE: 9:00 a.m., December 21, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-72.010 Issuance of Certificates Under Florida Quality Systems Certification Program.

Certificates of inspection and certificates of grade issued at approved Florida Quality Systems Certification (FQSC) Program plants must be issued pursuant to the terms of the "Florida Quality Systems Certification Program – Program Description and Guidelines" published by the Florida Department of Agriculture and Consumer Services, dated 09-16-05, incorporated herein by reference under the terms of Rule 20-64.025, F.A.C., and any rules or procedures adopted by Florida Department of Agriculture and Consumer Services, and shall be on forms prescribed by the Florida Department of Agriculture and Consumer Services.

Specific Authority 601.10(1),(7), 601.11 FS. Law Implemented 601.27 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

**PUBLIC SERVICE COMMISSION**

DOCKET NO. 050591-TP

RULE TITLE:

Design and Construction of Plant

RULE NO.:

25-4.036

PURPOSE AND EFFECT: To amend the rule to reference the most recent edition of the National Electrical Code. As Rule 25-4.036, F.A.C., is incorporated by reference into Rules 25-24.585, 25-24.740 and 25-24.835, F.A.C., the proposed amendments, in addition to incumbent local exchange carriers,

also affect shared tenant service companies, alternative access vendor service companies and competitive local exchange companies.

SUMMARY: Rule 25-4.036, F.A.C., requires that the plant and facilities of regulated companies be designed, constructed, installed, maintained, and operated in accordance with the provisions of the National Electrical Code. The proposed amendments would update the rule to reflect the 2005 edition of the Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed rule amendment should not significantly impact the agency, the industry, cities, counties, or small businesses.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.01(4), 364.03 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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 THESE PROPOSED RULE IS: Samantha Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.036 Design and Construction of Plant.

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

(2) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Kennedy

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2005



DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 31, No. 20, May 20, 2005

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (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, which can be reached at: 1(800)955-8771 (TDD).

**PUBLIC SERVICE COMMISSION**

DOCKET NO. 050591-TP

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

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

SUMMARY: Rule 25-24.515, F.A.C., requires that the plant and facilities of regulated companies be designed, constructed, installed, maintained, and operated in accordance with the provisions of the National Electrical Code. The proposed amendments would update the rule to reflect the 2005 edition of the Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed rule amendment should not significantly impact the agency, the industry, cities, counties, or small businesses.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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 THESE PROPOSED RULE IS: Samantha Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.515 Pay Telephone Service.

(1) through (22) No change.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Kennedy

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 31, No. 20, May 20, 2005

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (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, which can be reached at: 1(800)955-8771 (TDD).

**DEPARTMENT OF CORRECTIONS**

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

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

SUMMARY: Form DC6-111D, Visitor Information Summary, is being amended to provide for permanent denial of a prospective visitor who has been involved in an escape or attempted escape from any facility.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.115, 944.23 FS.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.737 Visiting – Forms.

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

(1) through (5) No change.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary – Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Medicaid**

RULE TITLE: Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known As ICF/DD Facilities) RULE NO.: 59G-6.045

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to incorporate changes to the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not Publicly Owned and not Publicly Operated Reimbursement Plan (the

Plan) payment methodology in accordance with the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 218:

Effective October 1, 2005, a percentage reimbursement rate reduction based on weighted average rates shall be established to achieve an annual aggregate total estimated savings of \$4,958,526 for the period ending June 30, 2006. The weighted average per diem rates as of October 1, 2005 and April 1, 2006 shall be the bases for the determination of these savings, and shall be compared to the weighted average per diem as of July 1, 2005. The full savings will be assumed realized if the combined weighted average rate for the periods October 1, 2005 and April 1, 2006 does not exceed the weighted average rate as of July 1, 2005.

Effective July 1, 2006, the annual aggregate amount the rates were reduced during the period October 1, 2005 through June 30, 2006 shall become a recurring annual reduction not to exceed \$4,958,526. This recurring reduction, called the Medicaid Trend Adjustment, shall be applied proportionally to all rates on an annual basis.

SUMMARY: The Agency shall implement a recurring methodology in the Title XIX Intermediate Care Facility for the Developmentally Disabled Reimbursement Plan to achieve the cost savings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

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

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106-B, Tallahassee, Florida 32308, (850)414-2759

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.045 Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities). Reimbursement to participating facilities for services provided shall be in accord with the Florida Title XIX ICF/MR-DD Reimbursement Plan for Facilities Not Publicly Owned and Not Publicly Operated (Formerly known as ICF-MR/DD Facilities),  
Version IIIH, Effective Date \_\_\_\_\_ ~~October 12, 2004~~, incorporated herein by reference. A copy of the Plan may be obtained by writing to the Deputy Secretary for Medicaid, Agency for Health Care Administration, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 3-14-99, Amended 10-12-04, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Robert Butler  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Butler  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE TITLE: Electronic Transmission of Plans, Specifications, Reports, and Seals

RULE NO.: 61G10-11.011

PURPOSE AND EFFECT: The Board proposes the new rule to address electronic transmission of plans, specifications, reports, and seals.

SUMMARY: The proposed new rule provides for use of electronically transmitted plans, specifications, reports, and seals, by Landscape Architects.

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

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

SPECIFIC AUTHORITY: 481.306 FS.

LAW IMPLEMENTED: 481.321 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-11.011 Electronic Transmission of Plans, Specifications, Reports, and Seals.

(1) Landscape architecture work to be electronically sealed under the provisions of Chapter 481, F.S., stored or transmitted in an electronic format shall be signed, dated and sealed by the Landscape Architect in responsible charge.

(2) A license holder may use a computer generated representation of his or her seal on electronically conveyed work; however the final hard copy documents of such landscape architecture work must contain an original signature of the license holder and date or the documents must be accompanied by an electronic signature as described in this section. A scanned image of an original signature shall not be used in lieu of an original signature or electronic signature. Landscape architecture work that contains a computer generated seal shall be accompanied by the following text or similar wording: "The seal appearing on this document was authorized by [Example: Leslie H. Doe, L.A. 0112 on (date)]" unless accompanied by an electronic signature as described in this section.

(3) An electronic signature is a digital authentication process attached to or logically associated with an electronic document and shall carry the same weight, authority, and effect as an original signature. The electronic signature, which can be generated by using either public key infrastructure or signature dynamics technology, must be as follows:

- (a) Unique to the person using it;
- (b) Capable of verification;
- (c) Under the sole control of the person using it;

(d) Linked to a document in such a manner that the electronic signature is invalidated if any data in the document are changed.

(4) Alternatively, electronic files may be signed and sealed by creating a "signature" file that contains the Landscape Architect's name and license number, a brief overall description of the documents, and a list of the electronic files to be sealed. Each file in the list shall be identified by its file name utilizing relative Uniform Resource Locators (URL) syntax described in the Internet Architecture Board's Request for Comments (RFC) 1738, December 1994, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <ftp://ftp.isi.edu/in-notes/rfc1738.txt>. Each file shall have an authentication code defined as an SHA-1 message digest described in Federal Information Processing Standard Publication 180-1 "Secure Hash Standard," 1995 April 17, which is hereby adopted and incorporated by reference by the Board and can be obtained

from the Internet Website: <http://www.itl.nist.gov/div897/pubs/fip180-1.htm>. A report shall be created that contains the Landscape Architect's name and license number, a brief overall description of the documents in question and the authentication code of the signature file. This report shall be printed and manually signed, dated, and sealed by the Landscape Architect in responsible charge. The signature file is defined as sealed if its authentication code matches the authentication code on the printed, manually signed, dated and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed authentication code matches the file's computed authentication code.

Specific Authority 481.306 FS. Law Implemented 481.321 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Landscape Architecture  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2005  
DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLES: RULE NOS.:  
Obligations of Continuing Education Providers 61G17-5.0043  
Approval of Classes 61G17-5.0051

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

SUMMARY: The Board's revisions to Rule 61G17-5.0043, F.A.C., revises the obligations of continuing education providers. Additionally, the Board's revisions to Rule 61G17-5.0051, F.A.C., updates the content of sample continuing education course certificates.

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

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

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

LAW IMPLEMENTED: 455.2123, 472.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULES IS:

61G17-5.0043 Obligations of Continuing Education Providers.

(1) Require each licensee to complete the entire course or seminar in order to receive a certificate of completion for the course or seminar.;

(2) Furnish each participant with an individual certificate of attendance that contains the licensee's name, the licensee's license number, the provider name, the provider number, the course name, the course number, date of course completion, and the continuing education category fulfilled by the course, complies with paragraph 61-6.015(4)(a), F.A.C. An attendance record shall be maintained by the provider for four (4) years and shall be available for inspection by the Board, its designee, the Department, or the Department's designee. Providers must electronically provide to the Department a list of attendees taking a course within five (5) business days of the completion of the course. The list shall include the provider's name, the name and license number of the attendee, the date the course was completed, the course number and the total number of hours successfully completed. If the instructor is receiving credit as set forth in paragraph 61G17-5.0031(3)(c), F.A.C., the instructor shall be listed as an attendee with the same information required above. Providers shall maintain security of attendance records and certificates. For correspondence study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual.

(3) Continuing education must provide their Florida Department of Business and Professional Regulation (DBPR) continuing education provider number on all course advertisements.

(4) Continuing education providers must identify in advertisements and on certificates of completion whether the offered continuing education course has been approved for general continuing education credit, laws and rules continuing education credit, minimum technical standards (MTS) continuing education credit, or a combination of MTS and laws and rules continuing education credit.

(5) An attendance record shall be maintained by the provider for four (4) years and shall be available for inspection by the Board, its designee, the Department, or the Department's designee.

(6) Providers must electronically provide to the Department a list of attendees taking a course within thirty (30) business days of the completion of the course. The list shall include the provider's name, the name and license number of the attendee, the date the course was completed, the course number and the total number of hours successfully completed. (See Section 455.2178, Fla. Stat.)

(7) If the instructor is receiving credit as set forth in paragraph 61G17-5.0031(3)(c), F.A.C., the instructor shall be listed as an attendee with the same information required above.

(8) Providers shall maintain security of attendance records and certificates. For correspondence study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual.

(9)(3) Ensure that all promotional material for courses or seminars offered to professional surveyors and mappers for credit contain the course number and the provider number.

(10)(4) Allow only one continuing education credit for each hour of classroom, audio or video instruction, an "hour of classroom, audio or video instruction" being no less or no more than sixty (60) minutes of instruction.

(11)(5) Allow only one continuing education credit for each "hour of correspondence study." The "hour of correspondence study" must be based on the average completion time of each course as established by the provider. For correspondence study, provide to each participating licensee a written exam. In order to complete the course, the licensee must sign, date and seal the exam and receive a minimum grade of seventy percent (70%). If a licensee fails the exam, they will be permitted to take the exam again until a passing grade is achieved.

(12)(6) Notify the board within fourteen (14) days of any change in the address or telephone number of the provider.

(13)(7) Allow the Department's and the Board's designee to have access to information concerning courses or seminars conducted by the provider for continuing education credit.

(14)(8) Provide courses or seminars designed to enhance the education of surveyors and mappers in the practice of surveying and mapping.

(15)(9) Discontinue any course or seminar objected to under subsection 61G17-5.0041(5), F.A.C.

(16)(10) Discontinue allowing an instructor to conduct a course or seminar upon receipt of notice pursuant to subsection 61G17-5.0041(6), F.A.C., and provide timely confirmation of same as required by the rule.

(17)(11) A course or seminar on minimum technical standards must focus on each minimum technical standard in Board rules and give examples of the practical application of each standard in the performance of a survey. A course or seminar on minimum technical standards does not focus on case law.

(18)(12) All information or documentation, including electronic course rosters, submitted to the Department shall be submitted in a format acceptable to the Department. Failure to comply with time and form requirements will result in disciplinary action taken against the provider. No provider may reapply for continuing education provider status until at least two (2) years have elapsed since the entry of any final order against the provider.

(19)(13) On-line/internet courses shall be treated as correspondence courses for continuing education purposes, as set forth in subsection (5) above.

Specific Authority 455.219, 472.008, 472.011, 472.018 FS. Law Implemented 455.2123, 472.018 FS History—New 3-28-94, Amended 5-30-95, 7-27-00, 8-18-03, 8-18-04, \_\_\_\_\_.

61G17-5.0051 Approval of Classes.

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

(d) The course provider shall submit to the Board a sample continuing education course certificate of completion that complies with subsection 61G17-5.0043(2), F.A.C., paragraph 61-6.015(4)(a), F.A.C., that is given to each course participant if the participant completes the course.

(e) through (4) No change.

Specific Authority 472.008, 472.018 FS Law Implemented 472.018 FS. History—New 8-18-03, Amended 6-23-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Probable Cause Panel RULE NO.: 61J1-1.009

PURPOSE AND EFFECT: Reduce the number of probable cause panel members from three (3) to two (2).

SUMMARY: The Board is reducing the number of probable cause panel members from three (3) to two (2).

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 cost, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.225, 475.614 FS.

LAW IMPLEMENTED: 455.225 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-1.009 Probable Cause Panel.

(1) No change.

(2) There may be two probable cause panel of the board.

The probable cause panels shall be composed of two ~~three~~ members of which ~~two~~ shall constitute a quorum. The members of the panel shall be appointed by the chairperson of the board. As provided in Section 455.225(4), Florida Statutes, two of the panel members may be former members of the board. Panel members shall not participate in the determination and issuance of the final order to be rendered in each disciplinary case.

Specific Authority 455.225, 475.614 FS. Law Implemented 455.225 FS. History—New 10-15-91, Formerly 21VV-1.009, Amended 8-8-93, 1-29-95, 7-2-95,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Fees  
RULE NO.: 61J1-2.001

PURPOSE AND EFFECT: The Board is establishing a \$10 fee for a licensee to change licensure status at anytime other than at the time of biennial renewal. The Board is also establishing a fee to reinstate a null and void license pursuant to Section 455.271(6)(b), F.S.

SUMMARY: A licensee must pay a \$10 fee to change licensure status at any time other than at the time of biennial renewal. Additionally, an individual applying to reinstate a null

and void license pursuant to Section 455.271(6)(b), F.S., must pay a \$100.00 application fee and all past renewal fees from the time the individual’s license became null and void until the filing of the application for licensure reinstatement in order to have the application considered by the Board.

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

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 215.34, 215.405, 455.217, 455.271, 455.2281, 475.6147, 475.615, 475.618, 475.619, 475.630 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-2.001 Fees.

(1) through (14) No change.

(15) The fee to change licensure status at any time other than at the time of biennial renewal is \$10.

(16) An individual applying to reinstate a null and void license pursuant to Section 455.271(6)(b), Florida Statutes, must pay a \$100.00 application fee and also must pay all past renewal fees from the time the individual’s license became null and void until the filing of the application for licensure reinstatement.

Specific Authority 475.614 FS. Law Implemented 215.34, 215.405, 455.217, 455.2281, 475.6147, 475.615, 475.61, 455.271(6)(b) FS. History—New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-20.02, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-96, 11-11-97, 10-1-98, 10-1-98, 10-29-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Inactive Registration  
 RULE NO.: 61J1-2.005

PURPOSE AND EFFECT: Revise and update the manner in which a licensee applies for inactive or active licensure status. Also to refer licensees to Rule 61J1-2.001, F.A.C., to find the fee to change licensure status.

SUMMARY: Licensees may request inactive or active status in a manner as provided by the Department of Business and Professional Regulation. The rule also refers licensees to Rule 61J1-2.001, F.A.C. to find the fee to change licensure status.

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 cost, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 475.614, 475.619 FS.

LAW IMPLEMENTED: 475.613(2), 475.618, 475.619 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-2.005 Inactive Registration.

(1) No change.

(2) At any time after obtaining registration as an appraiser, the registrant may request inactive status whenever the registrant has no primary supervising licensed or certified appraiser in such a manner as provided by the Department. The fee to change licensure status is found in Rule 61J1-2.001, F.A.C. The request may be made on Form 501.5, Request for Appraiser Status Change, effective July 1991 and incorporated herein by reference. The form may be obtained through the Department of business and Professional Regulation at 400 W. Robinson St., Orlando, Florida 32801.

(3) through (4) No change.

(5) A registered appraiser, whose registration is designated inactive pursuant to subsection (1), (2) or (3), may request an active registration in such a manner as provided by the Department on Form 501.5. If the inactive duration is less than 2 years and does not extend beyond 1 biennial renewal cycle (registration period), no additional education or fee is required.

(6) through (7) No change.

Specific Authority 475.614, 475.619 FS. Law Implemented 475.613(2), 475.618, 475.619 FS. History--New 9-22-93, Amended 7-5-94,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2005

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Application by Individuals  
 RULE NO.: 61J1-3.001

PURPOSE AND EFFECT: The Board needs to correct a typographical error in paragraph 61J1-3.001(6)(a), F.A.C. The rule also specifies what documents an applicant must submit to the Board if an applicant discloses that he or she has a criminal history, has had a civil judgment(s) rendered against the applicant, and/or has had a registration, license, or certification to practice any regulated profession, business, or vocation disciplined by a regulatory agency or any governmental entity.

SUMMARY: The Board is correcting a typographical error in paragraph 61J1-3.001(6)(a), F.A.C. The Board is also specifying what documents an applicant must submit to the Board if an applicant discloses that he or she has a criminal history, has had a civil judgment(s) rendered against the applicant, an/or has had a registration, license, or certification to practice any regulated profession, business, or vocation disciplined by any regulatory agency or any governmental entity.

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 cost, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.624 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-3.001 Application by Individuals.

(1) through (6) No change.

(a) By disclosing whether the applicant has ever been convicted or found guilty, or entered a plea of guilty or nolo contendere ~~contendere~~ (no contest) to, regardless of adjudication, of a crime in any jurisdiction which directly relates to the activities of an appraiser, or which involves moral turpitude or fraudulent or dishonest conduct; and

(b) through (c) No change.

(d) If an applicant disclosed information pursuant to paragraphs 61J1-3.001(6)(a),(b), or (c), F.A.C., then the applicant must submit certified copies of the following documents along with his or her application to be considered for licensure: criminal judgments and sentences, civil judgments, civil decrees, and/or final orders by administrative and/or regulatory agencies pertaining to licensure. If such documents are no longer retained by a clerk of court or agency clerk or are no longer in existence, then the applicant must submit proof, such as a written affidavit or statement from a clerk of court or agency clerk, that said documents are no longer retained or are no longer in existence.

(7) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.624 FS. History—New 10-15-91, Formerly Amended 10-29-98, 1-7-99, 2-21-02, 5-25-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Continuing Education  
RULE NO.: 61J1-4.003

PURPOSE AND EFFECT: Establish a requirement that the minimum 30 hours of continuing education for all licensed, registered, and certified appraisers shall contain at least 3 hours reviewing and updating the roles and rules of supervisor and trainee appraisers and to establish an effective date for the new continuing education requirement.

SUMMARY: As of December 1, 2006, the minimum 30 hours of continuing education for all licensed, registered, and certified appraisers shall contain at least three (3) hours reviewing and updating the roles and rules of supervisor and trainee appraisers.

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 cost, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.618, 475.628 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.003 Continuing Education.

(1) All registered, licensed and certified appraisers must satisfactorily complete a minimum of 30 hours of 50 minutes each of appraiser continuing education as prescribed or approved by the Florida Real Estate Appraisal Board, without duplication of material, during each renewal period as defined in Rule 61J1-2.002, F.A.C. The 30-hours shall include the 7-hour National USPAP update course or its equivalent and shall be taught by an AQB certified USPAP instructor, without significant duplication of material, as defined in Section 475.611(1)(p), F.S. A minimum of 3 hours shall be dedicated to a review and update of the Florida Real Estate Appraisal Law and Board Rules and provide an introduction to other state and federal laws affecting real estate appraisals. As of December 1, 2006, the minimum 30 hours of continuing education shall contain at least three (3) hours reviewing and updating the roles and rules of supervisor and trainee appraisers. A registered, licensed or certified appraiser is not required to complete the 30 hours of continuing education as a condition for initial registration, licensure or certification renewal if the time between the effective date on the initial registration, license or certificate and the beginning of the initial registration, licensure or certificate renewal is less than 12 months. Registered appraisers who comply with the Post Licensure requirements and Florida laws and rule update, as set forth in Rule 61J1-4.009, F.A.C., are not required to complete any additional continuing education for that renewal cycle.

(2) through (8) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.618, 475.628 FS. History—New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 9-5-96, 4-6-98, 9-14-00, 10-22-01, 3-31-02, 5-25-04, 5-15-05, \_\_\_\_\_.



NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Real Estate Appraisal Board  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Florida Real Estate Appraisal Board  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: October 3, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: May 27, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Notice of Satisfactory Course Completion  
 RULE NO.: 61J1-4.005

PURPOSE AND EFFECT: Change the word designation to license in subsection 61J1-4.005(2), F.A.C.

SUMMARY: The word designation is removed and the word license is inserted into subsection 61J1-4.005(2), F.A.C.

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

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.6175, 475.618 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61J1-4.005 Notice of Satisfactory Course Completion.
- (1) No change.

(2) An application for renewal of an existing license designation shall contain an affirmation by the individual of having satisfactorily completed the applicable Florida Real Estate Appraisal Board prescribed, conducted or board approved course(s). The department shall perform random audits of at least 10% of the registrants, licensees, certificate holders and instructors to verify compliance with continuing education requirements. Each registrant, licensee, certificate holder and instructor shall retain the grade report as proof of successful completion of continuing education requirements for at least two years following the end of the renewal period for which the education is claimed. Failing to provide evidence

of compliance with education requirements as prescribed in Rules 61J1-4.003, .007, .008 and .009, F.A.C., or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the registrant, licensee, certificate holder or instructor.

- (3) through (6) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.6175, 475.618 FS. History—New 10-15-91, Formerly 21VV-4.005, Amended 7-19-95, 4-6-98, 3-31-02, 11-14-04, 5-31-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Florida Real Estate Appraisal Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: September 23, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Experience Requirement  
 RULE NO.: 61J1-6.001

PURPOSE AND EFFECT: The Board needs to change the rule so that experience claimed for all licensure classifications must be obtained after January 30, 1989, and must be USPAP compliant in order to comply with new Appraisal Subcommittee (ASC) requirements effective January 1, 2008.

SUMMARY: Effective January 1, 2008, all experience claimed for all licensure classifications must be obtained after January 30, 1989, and must be USPAP compliant.

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 cost, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 455.213, 475.617 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-6.001 Experience Requirement.

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

(c) There is no maximum time limit as to when experience may be obtained or claimed; provided, however, effective January 1, 2008, all experience claimed for all licensure classifications must be obtained after January 30, 1989, and must be USPAP compliant.

(3) through (7) No change.

Specific Authority 475.614 FS. Law Implemented 455.213, 475.617 FS. History—New 10-15-91, Formerly 21VV-6.001, Amended 9-22-93, 9-6-94, 2-19-98, 9-6-98, 12-12-99, 10-1-00, 6-1-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Advertising  
RULE NO.: 61J1-7.003

PURPOSE AND EFFECT: The Board is amending this rule to regulate the content of trainee appraiser advertising to protect the health, safety, and welfare of the public.

SUMMARY: All trainee advertising must include the following: (a) the trainee’s name; (b) the trainee’s designation as a “state-registered trainee real estate appraiser”, “registered trainee”, or “trainee”; (c) the trainee’s license number; and (d) the name and license number of the trainee’s supervisory appraiser.

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 cost, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.622 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-7.003 Advertising.

(1) through (2) No change.

(3) All trainee advertising must include the following:

(a) The trainee’s name;

(b) The trainee’s designation as a “state-registered trainee real estate appraiser”, “registered trainee”, or “trainee”;

(c) The trainee’s license number; and

(d) The name and license number of the trainee’s supervisory appraiser.

Specific Authority 475.614 FS. Law Implemented 475.622 FS. History—New 10-15-91, Formerly 21VV-7.003, Amended 7-5-94, 7-23-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2005

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance Boards**

RULE TITLE: Medical Board Standards for Adequacy of Medical Records  
RULE NO.: 64B-3.001

PURPOSE AND EFFECT: To update the rule text.

SUMMARY: This rule provides the purposes for maintaining medical records, defines legible, specifies information to be contained within these records, and distinguishes records when the care is pursuant to court order or part of an independent medication examination.

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: 458.331(1)(m), 459.015(1)(o) FS.

LAW IMPLEMENTED: 458.331(1)(m), 459.015(1)(o) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-3.001 Medical Board Standards for Adequacy of Medical Records Definitions.

(1) Medical records are maintained for the following purposes:

(a) To serve as a basis for planning patient care and for continuity in the evaluation of the patient's condition and treatment.

(b) To furnish documentary evidence of the course of the patient's medical evaluation, treatment, and change in condition.

(c) To document communication between the practitioner responsible for the patient and any other health care professional who contributes to the patient's care.

(d) To assist in protecting the legal interest of the patient, the hospital, and the practitioner responsible for the patient.

(2) "Legible Medical Records" means medical records that can be read, deciphered, and understood. A licensed physician shall maintain patient medical records in English, in a legible manner and with sufficient detail to clearly demonstrate why the course of treatment was undertaken.

(3) The medical record shall contain sufficient information to identify the patient, support the diagnosis, justify the treatment and document the course and results of treatment accurately, by including, at a minimum, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; reports of consultations and hospitalizations; and copies of records or reports or other documentation obtained from other health care practitioners at the request of the physician and relied upon by the physician in determining the appropriate treatment of the patient.

(4) All entries made into the medical records shall be accurately dated and timed. Late entries are permitted, but must be clearly and accurately noted as late entries and dated and timed accurately when they are entered into the record. However, office records do not need to be timed, just dated.

(5) In situations involving medical examinations, tests, procedures, or treatments requested by an employer, an insurance company, or another third party, appropriate medical records shall be maintained by the physician and shall be subject to Section 456.061, F.S. However, when such examinations, tests, procedures, or treatments are pursuant to a court order or rule or are conducted as part of an independent

medical examination pursuant to Section 440.13 or 627.736(7), F.S., the record maintenance requirements of Section 456.061, F.S., and this rule do not apply. Nothing herein shall be interpreted to permit the destruction of medical records that have been made pursuant to any examination, test, procedure, or treatment except as permitted by law or rule.

Specific Authority 458.331(1)(m), 459.015(1)(o) ~~459.105(1)(e)~~ FS. Law Implemented 458.331(1)(m), 459.015(1)(o) ~~459.105(1)(e)~~ FS. History--New 9-29-98, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Larry McPherson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

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

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE TITLES:	RULE NOS.:
Requirements for Certification	64B9-4.002
Program Guidelines	64B9-4.003

PURPOSE AND EFFECT: For Rule 64B9-4.002, F.A.C., the Board proposes to add to this rule the requirement that after July 1, 2006, applicants for certification as an advanced registered nurse practitioner pursuant to Section 464.012(3), F.S., shall submit proof of national advanced practice certification from an approved nursing specialty board. For Rule 64B9-4.003, F.A.C., the Board proposes to add to this rule the requirement that programs leading to doctoral degrees be included as programs required to meet the graduation criteria applicable to Advanced Registered Nurse Practitioners. SUMMARY: For Rule 64B9-4.002, F.A.C., it is added as a requirement that after July 1, 2006, applicants for certification as an advanced registered nurse practitioner pursuant to Section 464.012(3), F.S., shall submit proof of national advanced practice certification from an approved nursing specialty board. For Rule 64B9-4.003, F.A.C., it is added as a requirement that programs leading to doctoral degrees be included as programs required to meet the graduation criteria applicable to Advanced Registered Nurse Practitioners.

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

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

SPECIFIC AUTHORITY: 456.048, 464.006, 464.012 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dan Coble, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B9-4.002 Requirements for Certification.

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

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

(3) through (5) No change.

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

64B9-4.003 Program Guidelines.

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

(a) through (i) No change.

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

(a) through (f) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE TITLES:	RULE NOS.:
Definitions	64B9-15.001
Certified Nursing Assistant Authorized Duties	64B9-15.002
Eligibility for Certification	64B9-15.003
Certified Nursing Assistant Registry	64B9-15.004

PURPOSE AND EFFECT: To implement 2005 legislative amendments to Sections 464.201, 464.202 and 464.203, F.S.

SUMMARY: 2005 legislative amendments to Sections 464.201, 464.202 and 464.203, F.S. are implemented.

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

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

SPECIFIC AUTHORITY: 464.202, 464.203 FS.

LAW IMPLEMENTED: 464.203, 464.2085 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dan Coble, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B9-15.001 Definitions.

(1) through (5) No change.

(6) “General Supervision” means a registered nurse or a licensed practical nurse currently licensed under Chapter 464, F.S., to the extent allowed under Section 400.23(3), F.S., authorizing procedures being carried out by a certified nursing assistant but who need not be present when such procedures are performed. The certified nursing assistant must be able to contact the registered nurse or licensed practical nurse acting in accordance with Section 400.23(3), F.S., when needed for consultation and advice either in person or by communication devices. This definition is not applicable to a certified nursing assistant providing services in accordance with Sections 400.506(10)(b) and (c), F.S., or Part III of Ch. 400, F.S.

(7) "Direct Supervision" means the physical presence within the patient care unit of a healthcare facility or physical presence within a healthcare agency of a program instructor who assumes responsibility for the practice of the certified nursing assistant.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History—New 8-31-03, Amended \_\_\_\_\_.

64B9-15.002 Certified Nursing Assistant Authorized Duties.

(1) A certified nursing assistant shall provide care and assist residents with the following tasks related to the activities of daily living only under the general supervision of a registered nurse or licensed practical nurse:

(a) Tasks associated with personal care:

1. Bathing;
2. Dressing;
3. Grooming;
4. Shaving;
5. Shampooing and caring for hair;
6. Providing and assisting with oral hygiene and denture care;

7. Caring for the skin;

8. Caring for the feet;

9. Caring for the nails;

10. Providing pericare;

11. Bed making and handling linen;

12. Maintaining a clean environment;

(b) Tasks associated with maintaining mobility:

1. Ambulating;

2. Transferring;

3. Transporting;

4. Positioning;

5. Turning;

6. Lifting;

7. Performing range of motion exercises;

8. Maintaining body alignment;

(c) Tasks associated with nutrition and hydration:

1. Feeding and assisting the resident with eating;

2. Assisting the resident with drinking;

(d) Tasks associated with elimination:

1. Toileting;

2. Assisting with the use of the bedpan and urinal;

3. Providing catheter care;

4. Collecting specimens;

5. Emptying ostomy bags, or changing bags that do not adhere to the skin;

6. Bowel and bladder training;

(e) Tasks associated with the use of assistive devices:

1. Caring for dentures, eyeglasses, contact lenses, and hearing aids;

2. Applying established prosthetic and orthotic devices;

3. Applying braces;

4. Applying antiembolus stockings;

5. Assisting with wheelchairs, walkers, or crutches;

6. Using comfort devices such as pillows, cradles, footboards, wedges, and boots;

7. Assisting with and encouraging the use of self-help devices for eating, grooming, and other personal care tasks;

8. Utilizing and assisting residents with devices for transferring, ambulation, alignment, and positioning;

9. Using restraints;

(f) Tasks associated with maintaining environment and resident safety, including handling of blood and body fluid and cleaning resident care areas.

(g) Tasks associated with data gathering:

1. Measuring temperature, pulse, respiration, and blood pressure;

2. Measuring height and weight;

3. Measuring and recording oral intake;

4. Measuring and recording urinary output, both voided and from urinary drainage systems;

5. Measuring and recording emesis;

6. Measuring and recording liquid stool;

(h) Recognition of and reporting of abnormal resident findings, signs, and symptoms;

(i) Post mortem care;

(j) Tasks associated with resident socialization, leisure activities, reality orientation, and validation techniques;

(k) Tasks associated with end of life care;

(l) Tasks associated with basic first aid, CPR skills, and emergency care

(m) Tasks associated with compliance with resident's/patient's rights;

(n) Tasks associated with daily documentation of certified nursing assistant services provided to the resident;

(2) A certified nursing assistant shall perform all tasks with knowledge of and awareness of a resident's/patient's rights and developmental level.

(3) A certified nursing assistant shall not perform any task which requires specialized nursing knowledge, judgment, or skills.

(4) A certified nursing assistant may receive additional training beyond that required for initial certification and upon validation of competence in the skill by a registered nurse may perform such skills as authorized by the facility.

(5) A certified nursing assistant shall not work independently without the supervision of a registered nurse or a licensed practical nurse.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History—New \_\_\_\_\_.

64B9-15.003 Eligibility for Certification.

(1) An applicant for initial certification as a certified nursing assistant shall apply to the vendor approved by the department to administer the certified nursing assistant examination.

(2) An applicant for certification as a certified nursing assistant shall meet the requirements of Section 464.203, F.S.

(3) An applicant for initial certification must demonstrate competency to read and write if the applicant passes the clinical skills portion of the certified nursing assistant examination given in English only.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History--New \_\_\_\_\_.

64B9-15.004 Certified Nursing Assistant Registry.

(1) Definition: The Certified Nursing Assistant Registry is a listing of certified nursing assistants who receive certification pursuant to Section 464.203, F.S., and maintain an active certificate pursuant to Sections 464.203(5) and (8), F.S.

(2) The registry is available through the Internet and contains the name and address of the certified nursing assistant.

(3) Records of certified nursing assistants in the registry who have been disciplined for any crime, or for any abuse, neglect, or exploitation as provided under Chapter 435, F.S., or for any violation of Chapter 456, Chapter 464, F.S., or rules of the board, are so indicated on the Internet look up screen.

(4) A certified nursing assistant may be removed from the registry if the certified nursing assistant fails to maintain an active certificate pursuant to Sections 464.203(5) and (8), F.S., or by an order of the board.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2005

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE TITLE: Retired Status

RULE NO.: 64B10-12.0101

PURPOSE AND EFFECT: The Board finds it necessary to promulgate a rule because of the statutory change to Section 456.036, F.S. This statute now provides for a retired status license and gives boards the authority to impose a fee of up to \$50.00, if established by a rule of the board.

SUMMARY: The rule will implement a change in the statute and the board will charge a \$50.00 fee for choosing retired status at the time of license renewal.

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) FS.

LAW IMPLEMENTED: 456.025(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-12.0101 Retired Status.

An active status licensee or an inactive status licensee who chooses retired status at the time of license renewal must pay a retired-status fee of \$50.00.

Specific Authority 456.025(2) FS. Law Implemented 456.025(2) FS. History--New \_\_\_\_\_.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Initial Fee for Licensure

RULE NO.: 64B19-12.0041

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete the language regarding the purchase of a wall certificate.

SUMMARY: A wall certificate will no longer be available for purchase.

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

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

SPECIFIC AUTHORITY: 456.013(2), 490.004(4) FS.

LAW IMPLEMENTED: 456.013(2), 490.005(1)(a), 490.006(1) 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: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.0041 Initial Fee for Licensure ~~and Wall Certificate.~~

(1) The initial fee for licensure is \$400.00.

~~(2) 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.~~

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

Specific Authority 456.013(2), 490.004(4) FS. Law Implemented 456.013(2), 490.005(1)(a), 490.006(1) FS. History—New 7-7-86, Amended 6-1-89, 1-16-92, Formerly 21U-12.0041, Amended 6-14-94, Formerly 61F13-12.0041, Amended 1-7-96, Formerly 59AA-12.0041, Amended 1-25-00, 8-8-01, 4-16-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 26, 2005

**DEPARTMENT OF HEALTH**

**Board of Psychology**

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

PURPOSE AND EFFECT: The Board proposes the rule amendment to add a fee for reactivation of a retired status license.

SUMMARY: A fee for retired status license reactivation will be added to the rule.

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

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

SPECIFIC AUTHORITY: 456.036(4) FS.

LAW IMPLEMENTED: 456.025, 456.036(4), (8) 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: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.006 Reactivation Fee and Change of Status Fee.

The fee for reactivation of an inactive or retired status license is \$50.00. Upon any change of status, including the election of retired status, a \$50.00 change of status fee shall be charged. Such fee(s) shall be in addition to the biennial licensure fee, if any, as prescribed in Rule 64B19-12.005, F.A.C.

Specific Authority 456.036(4) FS. Law Implemented 456.025, 456.036(4), (8) FS. History—New 1-29-84, Formerly 21U-12.06, Amended 1-4-88, 6-1-89, 8-12-90, Formerly 21U-12.006, 61F13-12.006, Amended 1-7-96, 6-26-97, Formerly 59AA-12.006, Amended 1-10-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 26, 2005

**DEPARTMENT OF HEALTH**

**Board of Psychology**

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

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the requirements related to continuing education credit.

SUMMARY: The continuing education requirements will be updated by this rule amendment.

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

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

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

LAW IMPLEMENTED: 456.013(7), 490.007(2), 490.0085(1), (3) 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: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-13.003 Continuing Psychological Education Credit.

(1) Continuing psychological education credit will be granted for:

(a) through (i) No change.

(j) The provision of volunteer expert witness opinions for cases being reviewed pursuant to laws and standards relevant to the practice of psychology. Two hours of credit shall be awarded for each case reviewed up to a maximum of ten hours per biennium. In this regard, volunteer expert witnesses are expected to perform a review of the psychological, medical, legal, and/or ethical literature, as appropriate to the case being reviewed.

(2) No change.

(3) As a condition of biennial licensure renewal, each licensee must complete forty (40) hours of continuing psychological education.

(a) One (1) of the forty (40) hours must be on domestic violence or on end of life and palliative health care consistent with Section 456.031(1)(a), F.S., and

(b) Three (3) of the forty (40) hours must be on professional ethics and Florida Statutes and rules affecting the practice of psychology.

(c) Two (2) of the forty (40) hours must relate to prevention of medical errors, including a study. In addition to the study of root-cause analysis, error reduction and prevention, and patient safety, the course content shall also be designed to discuss potential errors within a psychological setting, such as inadequate assessment of suicide risk, failure to comply with mandatory abuse reporting laws, and failure to detect medical conditions presenting as a psychological disorder. If the course is offered by a facility licensed pursuant to Chapter 395, F.S., for its employees, the Board will approve up to one (1) hour of the two (2) hour course to be specifically related to error reduction and prevention methods used in that facility.

(d) Passage of the laws and rules examination of the Board constitutes forty (40) hours of continuing education credit, including credit for professional ethics and Florida Statutes and

rules affecting the practice of psychology. Passage of the laws and rules examination, however, does not satisfy the requirement for one (1) credit of continuing education on domestic violence, nor the requirement for two (2) hours relating to prevention of medical errors.

(4) No change.

(5) As a condition of biennial licensure renewal, each licensee who holds himself/herself out as a "Qualified Practitioner," under the definition of Section 947.005(9), Florida Statutes, must complete twenty (20) of the forty (40) hours on the evaluation and treatment of sexual offenders and related legal and ethical issues, in addition to the requirements above.

Specific Authority 456.013(7), 490.004(4), 490.0085(4) FS. Law Implemented 456.013(7), 490.007(2), 490.0085(1), (3) FS. History—New 1-28-93, 7-14-93, Formerly 21U-13.0042, Amended 6-14-94, Formerly 61F13-13.0042, Amended 2-8-96, 11-18-96, Formerly 59AA-13.003, Amended 1-10-01, 8-5-01, 5-21-02, 6-3-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 26, 2005

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B19-17.002

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

SUMMARY: The rule adds a new disciplinary guideline to address a violation of Section 456.072(1)(gg), Florida Statutes. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared

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

SPECIFIC AUTHORITY: 456.079, 490.004(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 490.009 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: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255



THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-17.002 Disciplinary Guidelines.  
 (1)(a) through (aa) No change.

(bb) <u>Termination</u> <u>from</u> <u>impaired</u> <u>practitioner</u> <u>treatment</u> <u>program</u> (Section 456.072(1) (gg), F.S.	<u>From</u> <u>Suspension</u> <u>and a fine</u> <u>up _____ to</u> <u>\$10,000 to</u> <u>Revocation.</u>	<u>From</u> <u>Suspension</u> <u>and a fine</u> <u>up _____ to</u> <u>\$10,000 to</u> <u>Revocation.</u>	<u>Revocation.</u>
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(2) through (3) No change.

Specific Authority 456.079, 490.004(4) FS. Law Implemented 456.072, 456.079, 490.009 FS. History--New 11-24-86, Amended 7-18-88, 4-26-93, Formerly 21U-18.003, Amended 6-14-94, Formerly 61F13-18.003, Amended 1-9-96, Formerly 59AA-17.002, Amended 9-18-97, 9-26-01, 3-25-02, 4-3-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Board of Psychology  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Board of Psychology  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: October 7, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: August 26, 2005

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE CHAPTER TITLE: Firefighter Standards and Training  
 RULE CHAPTER NO.: 69A-37

PART I Qualification for Certificate  
 of Compliance

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.

SUMMARY: Firefighter training course medical examination.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Costs was prepared.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW. IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.

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

PLACE: Main Auditorium, Florida State Fire College, 11655 N. W. Gainesville Road, Ocala, Florida

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

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 FULL TEXT OF THE PROPOSED RULE 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\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Dave Casey, Chief, Bureau of Fire Standards and Training,  
 Florida State Fire College, 11655 N. W. Gainesville Road,  
 Ocala, Florida, phone: (352)369-2800

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Randall Napoli, Director, Division  
 of State Fire Marshal

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: October 14, 2005

**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
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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.

SUMMARY: Adopts procedures and standards for live fire training.

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

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.

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

PLACE: Main Auditorium, Florida State Fire College, 11655 NW Gainesville Road, Ocala, Florida

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

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 FULL TEXT OF THE PROPOSED RULES 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.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

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.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

#### 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.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

#### 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) 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.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

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.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

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.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

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 combustibles 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.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

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.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

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.

This rule shall take effect on January 1, 2006.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New 1-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dave Casey, Chief, Bureau of Fire Standards & Training, Florida State Fire College, 11655 N.W. Gainesville Road, Ocala, Florida, phone: (352)369-2800

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall Napoli, Director, Division of State Fire Marshal

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: Application of the Valuation of Life Insurance Policies  
RULE NO.: 690-164.030

PURPOSE, EFFECT AND SUMMARY: To provide direction as to the application of Rule 690-164.020, F.A.C., to various product designs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS. None.

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

SPECIFIC AUTHORITY: 624.308(1), 625.121(5) FS.

LAW IMPLEMENTED: 624.307(1), 625.121(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: 2:30 p.m., November 29, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail kerry.krantz@fldfs.com.

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 above.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-164.030 Application of Rule 690-164.020, F.A.C., To Various Product Designs.

(1) Purpose. The purpose of this rule is to provide direction as to the application of Rule 690-164.020, F.A.C., to various product designs developed after March, 1999. Specifically, this rule provides examples of various policy features that constitute "guarantees" and gives directions on how to reserve for these guarantees in accordance with Rule 690-164.020, F.A.C. Obviously, new policy designs will emerge subsequent to the development of this rule. No statute, rule, or guideline can anticipate every future product design, and common sense and professional responsibility are needed to assure compliance with both the letter and the spirit of the law. While Rule 690-164.020, F.A.C., is a complex regulation, its intent is clear: reserves need to be established for the guarantees provided by a policy. Policy designs that are created to simply disguise those guarantees or exploit a perceived loophole must be reserved in a manner similar to more typical designs with similar guarantees.

(2) Application. The list below specifies reserving approaches which the Office regards as being most consistent with the letter and spirit of Rule 690-164.020, F.A.C. However, the specified reserving approaches should be

modified as needed to comply with the intent of this rule that similar reserves be established for policy designs that contain similar guarantees.

(a)1. Situation: An initial level premium rate is guaranteed for 10 years followed by increased guaranteed premiums for an additional 20 years. However, the company cannot increase premiums after year 10 (i.e., the initial premium continues to be charged) unless some specified event occurs.

2. Application: The initial reserve segment is 30 years. Since the contract contains provisions that limit the company's ability to increase premiums, then the initial premium should be treated as guaranteed for the entire 30 year period. It would be contrary to the conservative nature of statutory accounting to treat this policy the same as one in which the ability to raise premiums is unrestricted.

(b)1. Situation: A term policy has an illustrated level premium for 30 years, the first 10 of which are guaranteed. Additionally, there is a refund option which provides that a specified refund will be paid if the premium ever increases. The refund must be requested within a limited time (e.g., 30 days) of receiving notice of the increase. Coverage terminates if the option is exercised.

2. Application: This example differs from the one above in that there is no specified event that has to occur in order for the company to impose a premium increase; however, the company must provide an additional benefit to the policyholder if it exercises this right. Thus the company does not have an unrestricted right to impose an increase after 10 years. If the contract contains provisions that require that additional benefits be provided to the policyholder in the event of a premium increase, even if these benefits are lost if not claimed within a stated time frame, then the initial premiums should be treated as guaranteed for the entire 30 year period. It would be contrary to the conservative nature of statutory accounting to treat this policy the same as one in which the ability to raise premiums does not require that additional benefits be provided. Therefore, the initial segment for this policy is 30 years.

(c)1. Situation: An initial level premium rate is guaranteed for 10 years followed by increased guaranteed premiums for an additional 20 years. However, after year 10 the policyholder is protected against premiums being increased above the initial level, with the protection provided by a second company through either reinsurance, a second policy issued to the consumer, or an agreement between the companies.

2. Application: The combined reserves of the direct writer and the second company should be no less than the amount which the direct writer would hold if a) there were no second company and b) the initial reserve segment were 30 years. If this condition is not met, reserve credits for the direct writer should be disallowed. The reserve held by the direct writer should be based on the initial level premium being guaranteed for 30 years.

(d)1. Situation: A product has relatively high gross premiums but with a guaranteed dividend or guaranteed refund schedule, or by some other means guarantees a low net cost to the policyholder.

2. Application: The net amount of premium (i.e., gross premium less dividends or refunds) should be used in the reserve calculation. That represents the amount the insured actually pays for coverage. For products reinsured on either a coinsurance or modified coinsurance basis, the reinsurer's reserve calculation should also be based on the net premium (i.e., gross premiums less dividends or refunds guaranteed to be paid to the policyholder).

(e)1. Situation: A re-entry term product has an initial rate guarantee for 10 years, with loose or non-existent re-entry underwriting, allowing the policyholder to re-enter for an additional 20 years at specified favorable rates.

2. Application: The reentry periods and premiums should be treated as a continuation of the initial guarantees for reserve calculation purposes. The initial reserve segment applicable to the original policy should be 30 years if the stipulated premium for the substitute policy is not high enough to trigger a new reserve segment. When the substitute policy is issued, reserves should be determined as if the coverage had been issued at the issue age and issue date of the original policy. Effectively, the company has guaranteed coverage for 30 years at the time the initial policy is issued, and the reserves established should reflect that guarantee.

(f)1. Situation: A universal life policy has provisions such that, if the UL policy lapses prior to the 10th policy anniversary because the actual accumulation value (or cash value, depending on design) falls below zero but stipulated premiums have been paid, a substitute policy is guaranteed to be issued providing the same amount of insurance coverage at the same stipulated premium for the remainder of the 10-year period plus an additional 20 years.

2. Application: The reentry periods and premiums should be treated as a continuation of the initial guarantees for reserve calculation purposes. The initial reserve segment applicable to the original policy should be 30 years if the stipulated premium for the substitute policy is not high enough to trigger a new reserve segment. When the substitute policy is issued, reserves should be determined as if the coverage had been issued at the issue age and issue date of the original policy. Effectively, the company has guaranteed coverage for 30 years at the time the initial policy is issued, and the reserves established should reflect that guarantee.

(g)1. Situation: A reinsurance treaty provides for 30 years of level premiums on a current scale but directly guarantees those premiums for only the first 10 years. However, if the reinsurer increases the premiums after 10 years, the reinsurer agrees to increase the expense allowance such that the net payments (premium minus allowance) by the direct writer remains unchanged.

2. Application: Relative to the reinsurer's reserve calculation, the initial reserve segment should be 30 years and the valuation premium should be level over that period. In this instance, the additional "expense allowance" has no relationship to the expenses actually incurred by the direct writer in administering the reinsured policies. Although a bona fide expense allowance would typically not be considered in determining the valuation premiums and reserve segments, in this instance the additional "expense allowance" has no relationship to the expenses actually incurred by the direct writer in administering the reinsured policies."

(h)1. Situation: A universal life policy has a cumulative "premium catch-up provision" in which the coverage is guaranteed to remain in force as long as a stipulated premium is paid each year, and if the insured is paying less than is required to maintain the guarantee, there is an unlimited right to make up past premium deficiencies.

2. Application: Rule 69O-164.020, F.A.C., requires that "when a policy contains more than one secondary guarantee, the minimum reserve shall be the greatest of the respective minimum reserves at that valuation date of each unexpired secondary guarantee, ignoring all other secondary guarantees." Since secondary guarantees with "catch-up" provisions are capable of being reinstated up to the end of the secondary guarantee period, they constitute "unexpired secondary guarantees" which must be incorporated into the calculation of "the greatest of the respective minimum reserves at that valuation date of each unexpired secondary guarantee, ignoring all other secondary guarantees."

3. The basic and deficiency reserves for a secondary guarantee with a catch-up provision should be computed as if the stipulated premium requirement had been met. The basic reserve shall be reduced by the product of a) the "catch-up amount," if any, which would be required on the valuation date and b) the ratio of the "initial" (i.e., before adjustment) basic reserve to the sum of the "initial" basic and deficiency reserves. In no event shall the "reduced" basic reserve be reduced below zero. The deficiency reserve shall be reduced by the product of a) the "catch-up amount," if any, which would be required on the valuation date and b) the ratio of the "initial" deficiency reserve to the sum of the "initial" basic and deficiency reserves. In no event shall the "reduced" deficiency reserve be reduced below zero.

4. If a universal life policy with a "premium catch up provision" has a shadow account below the level necessary to maintain the secondary guarantee, then the reserve for the secondary guarantee shall be valued according to this example. The basic and deficiency reserves, before deduction for the catch-up amount, shall be calculated as specified in subsection (i).

(i) A universal life policy guarantees the coverage to remain in force as long as the accumulation of premiums paid satisfies the secondary guarantee requirement.

1. For policies and certificates issued prior to July 1, 2005:

a. First, the minimum gross premiums (determined at issue) that will satisfy the secondary guarantee requirement must be derived.

b. Second, for purposes of applying paragraphs (7)(b) and (7)(c) of Rule 69O-164.020, F.A.C., the "specified premiums" are the minimum gross premiums derived in sub-subparagraph a.

c. Third, a determination should be made of the amount of actual premium payments in excess of the minimum gross premiums. For policies utilizing shadow accounts, this will be the amount of the shadow account. For policies with no shadow accounts but which specify cumulative premium requirements, this excess will be the amount of the cumulative premiums paid in excess of the cumulative premium requirements; the cumulative premium payments and requirements should include any interest credited under the secondary guarantee (with interest credited at the rate specified under the secondary guarantee).

d. Fourth, a determination should be made of the single payment necessary at the valuation date to fully fund the remaining secondary guarantee assuming that the minimum gross premiums have been paid, up through the valuation date, during the secondary guarantee period. The result from sub-subparagraph c. should be divided by this number.

e. Fifth, compute the net single premium on the valuation date for the coverage provided by the secondary guarantee for the remainder of the secondary guarantee period, using any valuation table and select factors authorized in paragraph (5)(a) of Rule 69O-164.020, F.A.C.

f. Sixth, the "net amount of additional premiums" is determined by multiplying the ratio from sub-subparagraph d. by the difference between the net single premium from sub-subparagraph e. and the basic and deficiency reserve, if any, computed in sub-subparagraph b.

g. Seventh, a "reduced deficiency reserve" should be computed by multiplying the deficiency reserve, if any, by one minus the ratio from sub-subparagraph d., but not less than zero. This "reduced deficiency reserve" is the deficiency reserve to be used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C.

h. Eighth, the actual reserve used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C., is the lesser of: (1) the net single premium from sub-subparagraph e. and subsection (2) the amount of the excess from sub-subparagraph f., plus the basic reserve and the deficiency reserve, if any, computed in sub-subparagraph b. Reduce this result by the applicable policy surrender charges, i.e., the account value less the cash surrender value. If the resulting amount is less than the sum of the basic and deficiency reserve from sub-subparagraph b, then the basic and deficiency

reserves to be used for the purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C., are those calculated in sub-subparagraph b, and no further calculation is required.

i. Ninth, an "increased basic reserve" should be computed by subtracting the "reduced deficiency reserve" in sub-subparagraph g. from the reserve computed in sub-subparagraph h. This "increased basic reserve" is the basic reserve to be used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C.

2. For policies and certificates issued on or after July 1, 2005:

a. First, the minimum gross premiums (determined at issue) that will satisfy the secondary guarantee requirement must be derived.

b. Second, for purposes of applying paragraphs (7)(b) and (7)(c) of Rule 69O-164.020, F.S., the "specified premiums" are the minimum gross premiums derived in sub-subparagraph a. Consistent with Rule 69O-164.020, F.A.C., the remaining sub-subparagraphs in this rule should be calculated on a segmented basis, using the segments that Rule 69O-164.020, F.A.C., defines for the product. Therefore, in the remaining sub-subparagraphs, the term "fully fund the guarantee" should be interpreted to mean fully funding the guarantee to the end of each possible segment. The term "remainder of the secondary guarantee period" should be interpreted to mean the remainder of each possible segment. The total reserve should equal the greatest of all possible segmented reserves.

c. Third, a determination should be made of the amount of actual premium payments in excess of the minimum gross premiums. For policies utilizing shadow accounts, this will be the amount of the shadow account. For policies with no shadow accounts but which specify cumulative premium requirements, this excess will be the amount of the cumulative premiums paid in excess of the cumulative premium requirements; the cumulative premium payments and requirements should include any interest credited under the secondary guarantee (with interest credited at the rate specified under the secondary guarantee).

d. Fourth, as of the valuation date for the policy being valued, for policies utilizing shadow accounts, determine the minimum amount of shadow account required to fully fund the guarantee. For policies with no shadow accounts but which specify cumulative premium requirements, determine the amount of the cumulative premiums paid in excess of the cumulative premium requirements that would result in no future premium requirements to fully fund the guarantee; the cumulative premium payments and requirements should include any interest credited under the secondary guarantee (with interest credited at the rate specified under the secondary guarantee). For any policy for which the secondary guarantee can not be fully funded in advance, solve for the minimum sum of any possible excess funding (either the amount in the shadow account or excess cumulative premium payments

depending on the product design) and the present value of future premiums (using the maximum allowable valuation interest rate and the minimum mortality standards allowable for calculating basic reserves) that would fully fund the guarantee. The amount determined above for this sub-subparagraph is to then be divided by one minus a seven percent premium load allowance (0.93). The result from sub-subparagraph c. should be divided by this number, with the resulting ratio capped at 1. The ratio is intended to measure the level of prefunding for a secondary guarantee which is used to establish reserves. Assumptions within the numerator and denominator of the ratio therefore must be consistent in order to appropriately reflect the level of prefunding. The denominator is allowed to be inconsistent only by the amount of the premium load allowance as defined in this sub-subparagraph. As used here, "assumptions" include any factor or value, whether assumed or known, which is used to calculate the numerator or denominator of the ratio.

e. Fifth, compute the net single premium on the valuation date for the coverage provided by the secondary guarantee for the remainder of the secondary guarantee period, using any valuation table and select factors authorized in paragraph (5)(a) of Rule 69O-164.020, F.A.C.

f. Sixth, the "net amount of additional premiums" is determined by multiplying the ratio from sub-subparagraph d. by the difference between the net single premium from sub-subparagraph e. and the basic and deficiency reserve, if any, computed in sub-subparagraph b.

g. Seventh, a "reduced deficiency reserve" should be computed by multiplying the deficiency reserve, if any, by one minus the ratio from sub-subparagraph d., but not less than zero. This "reduced deficiency reserve" is the deficiency reserve to be used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C.

h. Eighth, the actual reserve used for purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C., is the lesser of: (1) the net single premium from sub-subparagraph e., and, (2) the amount of the excess from sub-subparagraph f. plus the basic reserve and the deficiency reserve, if any, computed in sub-subparagraph b. Reduce this result by the applicable policy surrender charges, i.e., the account value less the cash surrender value. Multiply the applicable policy surrender charge by the ratio of the net level premium for the secondary guarantee period divided by the net level premium for whole life insurance. Calculate both net premiums using the maximum allowable valuation interest rate and the minimum mortality standards allowable for calculating basic reserves. However, if no future premiums are required to support the guarantee period being valued, there is no reduction for surrender charges. If the resulting amount is less than the sum of the basic and deficiency reserve from sub-subparagraph b., then the basic and deficiency reserves to



be used for the purposes of subparagraph (7)(d)1. of Rule 69O-164.020, F.A.C., are those calculated in sub-subparagraph b., and no further calculation is required.

i. Ninth, an "increased basic reserve" should be computed by subtracting the "reduced deficiency reserve" in sub-subparagraph g. from the reserve computed in sub-subparagraph h. This "increased basic reserve" is the basic reserve to be used for purposes of subparagraph 69O-164.020(7)(d)1., F.A.C.

(3) Effective Date.

(a) The application of this rule shall be to policies issued on or after December 24, 2003.

(b) Subparagraph (2)(i)2. shall apply to all policies and certificates issued on or after July 1, 2005.

Specific Authority 624.308(1), 625.121(5) FS. Law Implemented 624.307(1), 625.121(5) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Actuary, Life and Health Financial Oversight, Office of Insurance Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2006

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

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLES: RULE NOS.:

Filing, Approval of DMPO Plans, Rates and Related Forms 69O-203.204

Bundled Products 69O-203.205

PURPOSE, EFFECT AND SUMMARY: The changes to the rules are to provide clarity of the information to be included in a filing when the Discount Medical Plan Organization (DMPO) plan includes other bundled services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS. None.

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

SPECIFIC AUTHORITY: 636.232 FS.

LAW IMPLEMENTED: 624.424(1), 636.208, 636.216, 636.230 FS.

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

TIME AND DATE: 9:30 a.m., December 7, 2005

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

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

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 above.

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-203.204 Filing, Approval of DMPO Plans, Rates and Related Forms.

(1) through (2) No change.

(3) A filing shall consist of the following items:

(a) through (d) No change.

(e) Other information as indicated in Rule 69O-203.205, F.A.C., as applicable.

Specific Authority 636.232 FS. Law Implemented 624.424(1)(c), 636.208, 636.216 FS. History—New 4-7-05, Amended \_\_\_\_\_.

69O-203.205 Bundled Products.

(1) The provisions of Section 636.230, F.S., recognize that the discount medical plan may be combined together with other products. Any filing of a bundled product made pursuant to Rule 69O-203.204, F.A.C., shall clearly identify the discount medical plan component separately from each other component.

(2) When the bundled product contains a product that is insurance or other regulated product, the filing shall contain the following:

(a) Identification of the licensed insurer underwriting the insurance product.

(b) Disclosure of the specific policy form number providing the underlying insurance coverage issued by the licensed insurer.

(c) Disclosure of the Florida filing log number where the insurance product was filed with the Office.

(d) A copy of the rate schedule from the insurer on insurer paper or letterhead identifying the product and rates for the coverage being bundled with the discount plan.

(e) Identification of how the discount plan applicant is applying for the insurance coverage, i.e., on the enrollment form, complete a separate application, etc., and

(f) When the insurance coverage is provided under a group policy:

1. Identification of the group policyholder that the insurance coverage is issued to, and

2. An explanation of how the discount plan applicant is an eligible individual for coverage under the group pursuant to the group's eligibility standards.

Specific Authority 636.232 FS. Law Implemented 636.230 FS. History—  
New \_\_\_\_\_

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2005

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

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE NO.:	RULE TITLE:
IT-1.001	Division of Cultural Affairs
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., in response to comments received from the Joint Administrative Procedures Committee. The rule was originally published in Vol. 31, No. 38 of the September 23, 2005 issue of the Florida Administrative Weekly.

When adopted the rule will read as follows:

IT-1.001 Division of Cultural Affairs.

The purpose of the rule is to establish administrative procedures for all Division of Cultural Affairs (Division) activities.

(1) through (7) No change.

(8) Programs for Local and Statewide Service Organizations. The purpose of this program is to foster the development of local and statewide arts service organizations. There are two funding categories as outlined below:

(a) Local Arts Agency Program. The purpose of this program is to assist in the development of local arts agencies and to strengthen and stabilize their statewide network to further local and statewide cultural goals and objectives. A local arts agency is defined as an umbrella agency that serves its county or counties' arts and cultural constituencies. This includes county arts councils established pursuant to Section 265.32, F.S. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must be officially

recognized by one or more county commissions as the local arts agency, commission alliance, or division of a county or city government.

1. New applications will be reviewed for all eligible agencies on a three-year application cycle. New applications will be accepted annually from any agency not funded in this program in the current cycle, or an agency that qualifies mid-cycle to move up a higher funding category.

2. Funding categories. The following four categories will be used to determine funding eligibility:

a. Pre-Level I has no minimum budget requirement. Organizations may only receive funding in this category once. Funding for Pre-Level is \$5,000 and will be awarded on a non-matching basis.

b. Level I has no minimum budget requirement, but there must be at least one full-time or part-time paid staff member in the organization. The applicant may request up to 25% of their last completed fiscal year operating revenue, or \$25,000, whichever is less.

c. Level II is open to organizations whose last completed fiscal year operating revenue is at least \$100,000, has been in operation for at least three years at the time of application, and has at least one full-time paid staff member. The applicant may request up to 15% of their last completed fiscal year operating revenue, or \$40,000, whichever is less.

d. Level III is open to organizations whose last completed fiscal year operating revenue is at least \$1,000,000, has been in operation for at least five years at the time of application, and has more than one full-time paid staff member. The applicant may request up to 10% of their last completed fiscal year operating revenue, or \$60,000, whichever is less.

3. Review Criteria and Scoring. New applications will be evaluated by a review panel consisting of community cultural leaders, arts administrators and other professionals knowledgeable about community and cultural development. The panel will evaluate each new proposal according to how well the local arts agency demonstrates that its activities are community-based and mission-driven through the following criteria:

a. The agency's method for determining the needs of its community (Up to 20 points).

b. The agency's goals and objectives and the general methods for meeting community needs as referred to in sub-subparagraph 3.a. (Up to 20 points).

c. Activities such as services, programs, projects, or initiatives planned for the application cycle achieve the agency's goals and objectives (Up to 40 points).

d. Agency's method for managing and evaluating specific activities described in criteria sub-paragraphs 3.a. and b. Management areas addressed may include the roles of staff and board members; professional development opportunities; and

areas of evaluation such as “customer surveys” and quantitative or qualitative performance measurements (Up to 20 points).

4. Funding Recommendations. All applications that receive an average score of at least 75 out of 100 possible points will be recommended for funding. Applications that score less than 75 will not be recommended for funding by the panel. Award levels will be determined by the amount of the applicants’ grant requests and prorated according to funding allocated to the Local Arts Agency Program. Second and third year recommended funding amounts will be determined on a prorata basis according to the availability of funding for the program and the number of eligible local arts agencies.

(b)- State Service Organization Program. The purpose of this program is to support the efforts of state service organizations through stabilized funding and to work collaboratively with state service organizations to achieve statewide goals and objectives. A state service organization is defined as a not-for-profit organization that implements programs which have substantial cultural significance, giving emphasis to American creativity and the maintenance and encouragement of professional excellence. Statewide is defined as at least 50% of the state’s population, or 34 or more Florida counties. The goal of the program is to foster quality and professionalism in support of cultural excellence, access, and inclusion to the benefit of the public. In order to be eligible for funding, an organization must be designated as a State Service Organization by the Department, if recommended by the Florida Arts Council to the Secretary of State pursuant to the procedures contained in Section 265.285, F.S. Upon designation, an organization retains this status for a three-year cycle at which time designation will again be reviewed by the Florida Arts Council and recommended by the Secretary of State. Organizations are arranged in three clusters:

1. Cluster 1 organizations are those with a last completed fiscal year’s operating budget of \$50,000 or less. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must also provide: a narrative description of its annual services that details ongoing statewide planning and assessment, promotion of the constituency including state service organization’s membership, dissemination of topical information, representation of the constituency served, educational and lifelong learning benefits, networking opportunities, and initiatives in support of the Division’s mission; a board-approved mission statement; a long-range strategic or visioning plan; and documentation of the organization’s services through the inclusion of printed brochures, newsletters, website address and sample content, annual reports, and other materials that demonstrate services. Potential new organizations to the program are eligible to apply for designation only during the first year of each application cycle.

2. Cluster 2 organizations are those with a last completed fiscal year’s operating budget of between \$50,001 and \$150,000. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must also provide: a narrative description of its annual services that details ongoing statewide planning and assessment, promotion of the constituency including state service organization’s membership, dissemination of topical information, representation of the constituency served, educational and lifelong learning benefits, and networking opportunities, and initiatives in support of the Division’s mission; a board-approved mission statement; a long-range strategic plan; and documentation of the organization’s services through the inclusion of printed brochures, newsletters, website address and sample content, annual reports, and other materials that demonstrate services. Cluster 2 applicants will be expected to demonstrate more extensive services than Cluster 1; this is accomplished through the narrative portion of the application. Potential new organizations to the program are eligible to apply for designation only during the first year of each application cycle.

3. Cluster 3 organizations are those with a last completed fiscal year’s operating budget of \$150,001 or more. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must also provide: a narrative description of its annual services that details ongoing statewide planning and assessment, promotion of the constituency including state service organization’s membership, dissemination of topical information, representation of the constituency served, educational and lifelong learning benefits, networking opportunities, and initiatives in support of the Division’s mission; a board-approved mission statement; a long-range strategic plan; and documentation of the organization’s services through the inclusion of printed brochures, newsletters, website address and sample content, annual reports, and other materials that demonstrate services. Cluster 3 applicants will be expected to demonstrate more extensive services than Cluster 2; this is done through the narrative portion of the application. Potential new organizations to the program are eligible to apply for designation only during the first year of each application cycle.

4. Designation Review Process: With the submission of required materials, the applicant will be assigned an application number. The Division will review each application and determine whether the information is complete and in compliance with eligibility requirements. Staff will then make designation and funding recommendations to the Florida Arts Council based on the eligibility requirements listed for each cluster. All applicants will be notified in writing of their eligibility status. The list of eligible applications and recommended funding will be presented to the Florida Arts Council for their approval and recommendation to the Secretary of State.

5. Funding: Designated state service organizations will receive annual funding, subject to appropriation, for a three-year review cycle. Organizations are clustered by size of budget and scope of programming into the three cluster levels described above. Upon designation, Cluster 1 organizations will receive a \$5,000 award minimum; organizations in Clusters 2 and 3 will each receive an equal amount of funding within the total available budget with Cluster 3 receiving a higher amount than Cluster 2.

(9) through (21) No change.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(2),(3),(4),(5),(6), 265.2861(2)(b)(d), 265.2865(6), 265.51, 265.605(1), 2265.608, 265.609, 265.701(4), 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-603, 265.605-606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS. History-New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, 2-2-05, 5-16-05, 6-21-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Morgan Barr, Division of Cultural Affairs  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Gaylen Phillips, Division of Cultural Affairs  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2005

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.:	RULE TITLES:
6A-10.019	Required Annual Calendar for Schools and Colleges
6A-10.024	Articulation Between and Among Universities, Community Colleges, and School Districts
6A-10.030	Other Assessment Procedures for College-Level Communication and Computation Skills
6A-10.0331	Deletion of Courses from Catalogs and Statewide Course Numbering System
6A-10.038	Postsecondary Feedback of Student Information to High Schools
6A-10.041	Substitution for Requirements for Eligible Disabled Students at State Universities, Community Colleges, and Postsecondary Career Centers
6A-10.043	Nonpublic College Participation in the Statewide Course Numbering System

Notice is hereby given that the following amendments have been made to the proposed rules listed above in accordance in subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 36, of the September 9, 2005, issue of the Florida Administrative Weekly.

Paragraph 6A-10.019(2)(a) and subsection (3) were amended as follows:

(2)(a) Unless an exception is granted by the Department of Education, as appropriate, three (3) common entry periods shall be established so that the first day of classes will fall within each of the three (3) periods listed below:

(3) An official copy of the annual calendar adopted by each school board, community college board of trustees, and the university board of trustees ~~board of regents~~ for each school or institution operated by said boards shall be filed with the Department in the manner prescribed by the Commissioner. Subsections 6A-10.024(2), (2)(g), (2)(l) through (o), (3)(b), (5)(d)2., (6)(a), (7)(a), and (13) were amended to read:

(2) Articulation Coordinating Committee. The Commissioner shall establish an Articulation Coordinating Committee which shall report to the Commissioner and consist of eighteen (18) members. The committee shall have four (4) standing members from the Department of Education to represent the state university system, the community college system, public workforce education, and the public pre-K-12 schools. Fourteen (14) are appointed by the Commissioner for two-year terms: three (3) members representing the state university system; three (3) members representing the state community college system; one (1) member representing career education; three (3) members representing public schools; two (2) members representing nonpublic postsecondary institutions; one (1) member representing nonpublic secondary education; and one (1) member representing students; ~~and one (1) additional member~~. The Commissioner will appoint a chair from the membership. Ten members of the committee shall constitute a quorum. No business may be transacted at any meeting unless a quorum is present. The Committee shall:

~~(g)(h)~~ Recommend the priority to be given research conducted cooperatively by the Department of Education Divisions of Community Colleges Universities, and Public Schools with individual institutions. Such research shall be encouraged and conducted in areas such as admissions, grading practices, curriculum design, and follow-up of transfer students. Research findings shall be used to evaluate current policies, programs, and procedures.

(l) Document, maintain, and publish the statewide associate in science to bachelor of arts/bachelor of science articulation agreements between the community colleges and the state universities. The agreements must be consistent with the policies of the Board of Governors and the State Board of Education and shall be reviewed by the Department of Education.

(m) Document, maintain, and publish statewide applied technology diploma to associate in applied science/associate in science degree articulation agreements between the career education centers and the community colleges.

(n) Maintain and review annually the accelerated articulation mechanism examinations, minimum scores guaranteed for transfer, maximum credits guaranteed to transfer, and recommended course equivalencies.

(o)(4) Perform such other duties as may be assigned in law or by the ~~State Board~~ or the Commissioner.

(3)(b) After a state university or community college has published its general education core curriculum, the integrity of that curriculum shall be recognized by the other public ~~postsecondary institutions universities and community colleges~~. Once a student has been certified by such an institution on the official transcript as having completed satisfactorily its prescribed general education core curriculum, regardless of whether the associate degree is conferred, no other public postsecondary institution to which he or she may transfer shall require any further such general education courses.

~~(5)(d)2.3.~~ The statewide associate in science to baccalaureate degree program articulation agreements between public postsecondary institutions shall be documented and maintained by the Articulation Coordinating Committee. The ~~Department of Education State Board of Education and the Board of Governors~~, in consultation with their member institutions, shall review periodically, as necessary, but no more than once a year, the provisions of the state articulation agreements and the prescribed curricula to ensure the continued effectiveness of the articulation between the A.S. and B.A./B.S. programs. Any recommendations for revisions to the state articulation agreements will be forwarded to the Articulation Coordinating Committee for review. The revisions may be approved after the Board of Governors and the State Board of Education make independent determinations that the recommended revisions are consistent with board policies.

(6)(a) Students must have a high school diploma, a high school equivalency diploma, or a certificate of completion pursuant to Section 1003.433(2)(b), Florida Statutes; or in the case of a student who is home educated, a signed affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program pursuant to the requirements of Section 1002.41, Florida Statutes, to be admitted to an applied technology diploma program. Within six (6) weeks of entry, students in applied technology diploma programs of 450 or more hours must be tested pursuant to Rule 6A-10.040, FAC., and, if below minimum standards for completion from the program as defined in the program standards document adopted in Rule 6A-6.0571, FAC., must receive remedial instruction. The minimum standards must be at least the equivalent of a score of ten (10) on all sections of any basic skills test approved in Rule

6A-10.040, FAC. Students must successfully complete all remedial instruction before completing the Applied Technology Diploma.

~~(7)(8)~~ Credit by Examination.

(a) General Provisions.

~~(13)~~ All postsecondary courses offered for college credit, ~~career vocational~~ credit, college preparatory credit, or career-preparatory credit as they are defined in Rule 6A-10.033, FAC., shall be entered in the statewide course numbering system. Each course shall be assigned a single prefix and a single identifying number in the course numbering system.

Subsection (3) of Rule 6A-10.030 was amended to read:

(3) Exemptions and Waivers. Any public community college or university desiring to exempt its students from the requirements of subsection 6A-10.030(2), F.A.C., shall submit an alternative plan to the ~~Department of Education State Board of Community Colleges or Board of Regents~~, respectively. Upon approval of the plan by the ~~Department~~ respective board, the plan shall be submitted to the State Board of Education or the Board of Governors as appropriate. Upon approval by the State Board of Education or the Board of Governors, said plan shall be deemed effective in lieu of the requirements of subsection 6A-10.030(2), F.A.C.

The title and subsection (3) of Rule 6A-10.0331 was amended to read:

6A-10.0331 Deletion of Courses from Catalogs and ~~Statewide Common Course Designation and~~ Numbering System.

(3) The president of each university and the president of each community college shall annually certify to the board of trustees for that university or college that the institution has complied with Section 1007.24, Florida Statutes ~~the law~~.

Subsection 6A-10.038(1), (2), (2)(k) and (5) were amended as follows:

(1) From data provided by the state universities, community colleges, and state-supported career centers, the ~~Department of Education Divisions of Universities, Community Colleges, and Public Schools~~ shall maintain information on the performance of Florida's public high school graduates on the entry-level placement tests, pursuant to Rules 6A-10.0315 and 6A-10.040, F.A.C.

(2) By October 31 each year, the ~~Department of Education Divisions of Universities, Community Colleges~~, shall provide the Commissioner of Education the following information on students enrolled during the most recent academic year, beginning with the summer session and ending with the spring semester, who were prior year graduates of Florida public high schools:

(k) The name of the entry-level placement test used to place each student and subtest scores on the entry-level placement test in the areas of reading, writing/language, or

mathematics shall be maintained by the Department of Education ~~Division of Community Colleges and the Division of Universities~~ and made available to the Commissioner of Education upon request.

(5) From information data bases maintained by the Department of Education ~~Division of Universities, the Division of Community Colleges, and the Division of Public Schools~~, the Commissioner shall provide to the State Board of Education, the Board of Governors, and Legislature by November 30, and to the school districts and high schools by January 31, summary reports on the performance of Florida's public high school graduates who enroll in public postsecondary institutions within one (1) year after graduation. The Commissioner shall provide summary report for the state as a whole, for each school district, and for each public high school. Student level reports shall be provided to the high schools from which students graduate. The summary reports shall indicate the number of prior year graduates who enrolled in state-supported career centers, community colleges, and state universities in Florida during the previous summer, fall, and spring terms and the number of those students whose scores on the entry-level placement tests indicate readiness for postsecondary education or the need for remediation through basic skills instruction or college-preparatory instruction pursuant to Sections 1004.92 and 1008.30, Florida Statutes.

The title of Rule 6A-10.041, FAC. was amended to read:

6A-10.041 Substitution for Requirements for Eligible Disabled Students at State Universities, Community Colleges, and Postsecondary Career Centers ~~Vocational Institutions~~.

The introductory paragraph and paragraph (2)(b) of Rule 6A-10.043 were amended to read:

6A-10.043 Nonpublic College Participation in the Statewide Common ~~Course Numbering and Designation~~ System.

Nonpublic colleges may participate in the statewide common ~~course numbering and designation~~ system pursuant to Section 1007.24 ~~246.013~~, Florida Statutes.

(2) Fee Schedule. The fees charged to participating institutions shall be:

(b) Entry Fee. The unit cost per course of entering, modifying, or terminating courses in the statewide ~~course numbering and designation~~ system, including administrative, personnel, expense, and capital costs of the system.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Emergency Management**

RULE CHAPTER NO.: 9G-19

RULE CHAPTER TITLE:  
Base Funding for County  
Emergency Management  
Agencies, Emergency  
Management Competitive  
Grant Program and Municipal  
Competitive Grant  
Program Rule

RULE NOS.:  
9G-19.005  
9G-19.008

RULE TITLES:  
Base Grant Distribution Formula  
Procedures for Awarding  
Competitive Grants

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 25, June 24, 2005, edition of the Florida Administrative Weekly. The changes are incorporated within the amended portions as they appeared in the Florida Administrative Weekly.

9G-19.005 Base Grant Distribution Formula.

(1) No change.

(2) Funds shall be allocated to implement and administer county emergency management programs including management and administration, training, and operations, 40.8 percent of the Trust Fund, or that amount designated pursuant to Section 3(1)(a), Chapter 93-128, Laws of Florida or by other Legislative appropriation, as available for distribution, shall be initially allocated for base grants to County Emergency Management Agencies. All allocations shall be subject to any pertinent Legislative appropriation.

(3) through (6) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 216.052, 252.35, 252.373, 252.83 FS. History--New 1-12-94, Amended 6-21-95,\_\_\_\_\_

9G-19.008 Procedures for Awarding Competitive Grants.

(1) No change.

(2) Applications for a competitive award shall may include a statement from the County Emergency Management Agency describing the extent to which the project is consistent with the county's Comprehensive Emergency Management Plan. A copy of the applicant's letter requesting this statement must be included in the application. If such a consistency statement is desired, The applicant shall supply a description of the project to the applicable County Emergency Management Agency(ies) at the time of the request for a consistency statement, at least thirty (30) days prior to the deadline for submitting the application. If The applicable Emergency Management Agency(ies) will make a consistency determination determines

~~that of that~~ the project, and also address other issues that may be relevant to the project, such as duplication of an existing capability is consistent, no further explanation is required. When ~~if~~ the applicable Emergency Management Agency(ies) determines that the project is consistent or inconsistent, or is unable to make a consistency determination for any reason, it (they) shall provide a written explanation ~~of the inconsistency or its inability to respond~~ to the Division Department. If a county fails to respond to an applicant's timely submitted request for such a statement, as evidenced by inclusion of a dated copy of the project description letter in the application, the application shall be considered consistent with the applicable Comprehensive Emergency Management Plan. ~~In the event that the county fails to respond, the application shall describe the steps, including pertinent dates, by which the county consistency review was requested.~~ The county's consistency determination shall be considered by the review committee, provided it is received at least thirty (30) days before the deadline for transmitting preliminary scores and resulting rankings. Failure to supply the project description to the County Emergency Management Agency at least thirty (30) days prior to the deadline for submitting application shall result in no award of points for consistency with local government plans and objectives.

(3) The Department hereby adopts by reference the Emergency Management, Preparedness, and Assistance Trust Fund Competitive Grant Program Application Packet, Form No. 008, July 2005 ~~2003~~ version, which provides forms, instructions, and other information necessary for submission of an application for Competitive Grant funds submitted pursuant to Rule 9G-19.008, F.A.C.

(4) Application packets may be obtained from the website www.floridadisaster.org ~~as identified in the Application Packet~~ or from the Department of Community Affairs, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Attention: EMPATF Program. Requests should specify the Competitive Grant Program Application Packet.

(5) All applications shall conform to the following requirements, and shall be reviewed for technical conformity in accordance with the following procedures:

(a) All applications shall adhere to the format specified in the Application Packet, Form No. 008, July 2005 ~~2003~~ version.

(b) through (8) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 11-10-97, 10-14-98, 10-11-00, 10-22-02, 11-27-03,\_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED CHANGES IS: Dianne Smith, Community Assistance Consultant, Finance and Logistics Section, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)413-9966

**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**

**Medicaid**

RULE NO.: 59G-6.030  
 RULE TITLE: Payment Methodology for Outpatient Hospital Services

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule as noticed in Vol. 31, No. 42, October 21, 2005, beginning on page 3718 of the Florida Administrative Weekly has been withdrawn. This proposed rule incorporated Version XIV of the Florida Title XIX Outpatient Hospital Reimbursement Plan by reference.

**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 Nursing**

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

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S. to the proposed rule, published in Vol. 31, No. 11 of the March 18, 2005 issue of the Florida Administrative Weekly:

**ROLE OF THE REGISTERED NURSE IN CONSCIOUS SEDATION**

64B9-17.001 Statement of Intent of Purpose.

(1) The "practice of professional nursing" as defined by Section 464.003(3)(a), F.S., includes "the administration of treatments and medications as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medicines and treatments." As medical science advances, new drugs and procedures are introduced to provide health services to the public. A registered nurse, when qualified by training and education as required in Rule 64B9-17.003, F.A.C. and when approved by the institution at which the registered nurse is employed, may engage in the

limited administration of medications ~~drugs~~ for conscious and deep sedation under specific conditions set forth in subsections 64B9-17.003(2) and (3), F.A.C.

(2) The purpose of this rule is to protect the public by ensuring that competent registered nurses administer conscious sedation and deep sedation. The rule sets out the education and/or competency verification necessary to administer medications for conscious sedation and deep sedation under specific conditions. Pursuant to Section 464.018(1)(h), F.S., the act of administering medications for conscious sedation by a registered nurse without the education and verification of competency outlined in this rule would constitute unprofessional conduct and would also be a violation of Sections 464.018(1)(j) and (n), F.S. Further, this role is beyond the scope of practice for the licensed practical nurse or the tasks allowed for unlicensed assistive personnel. The administration of medications via any route for the purpose of general anesthesia is not within the scope of registered nursing or licensed practical nursing practice.

Specific Authority 464.003(a), 464.006 FS. Law Implemented 464.003(a), 464.012(3), 464.015(1), (5), 464.018(1)(h) FS. History—New \_\_\_\_\_.

#### 64B9-17.002 Definitions.

(1) Conscious sedation, or moderate sedation, is produced by the administration of medications (pharmacological agents) administered singly or in combination. A patient under conscious sedation has a depressed level of consciousness, but retains the ability to independently and continuously maintain a patent airway and respond appropriately to physical stimulation and/or to verbal command. Conscious sedation may easily be converted into deep sedation or the loss of consciousness, because of the unique characteristics of the drugs used, as well as the physical status and drug sensitivities, of the individual patient. The administration of medications for conscious sedation requires continuous monitoring of the patient and the ability to respond immediately to deviations from the norm. Medications for conscious sedation shall ~~should~~ only be administered provided by a registered nurse ~~an individual~~ who is competent in thorough patient assessment, is able to administer medications ~~drugs~~ through a variety of routes, is able to identify responses which are a deviation from the norm, and is able to intervene as necessary. Conscious sedation is used in short-term, therapeutic, diagnostic, or surgical procedures. Because sedation is a continuum, it is not always possible to predict how an individual patient will respond. For the purposes of this rule, the level of sedation intended determines whether administration and monitoring of the patient is within the scope of practice of the registered nurse. The nurse must be able to respond to unintended deepening of sedation. It is important to differentiate among the levels of sedation as delineated by the American Society of Anesthesiologists:

(a) No change.

(b) Moderate Sedation/Analgesia (“Conscious Sedation”) is a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.

(c) through (d) No change.

(2) For purposes of this rule, institution means a hospital or ambulatory surgery center licensed under provisions of Chapter 395, F.S., a physician office setting, clinic, or any other setting in which conscious sedation is utilized. It would be a violation of this rule for any registered nurse to administer medications for conscious sedation in any other setting that is not appropriately licensed or registered, to the extent required by state law, to enable surgical procedures to take place in that setting.

(3) A qualified anesthesia provider is an anesthesiologist or physician licensed under Chapter 458 or 459, F.S., or a certified registered nurse anesthetist licensed under Chapter 464, F.S., with a protocol as specified in Sections 464.012(3) and (4)(a), F.S.

(4) Medications used to achieve conscious sedation include benzodiazepines, opioids, dissociative agents, sedatives, and hypnotics and should be given in small, incremental doses that are titrated to the desired endpoints of analgesia and sedation. Sufficient time must elapse between doses to allow the effect of each dose to be assessed before subsequent medication administration. The administration of these medications alone or in combination may produce profound synergistic effects.

Specific Authority 464.003(a), 464.006 FS. Law Implemented 464.003(a), 464.012(3), 464.015(1), (5), 464.018(1)(h) FS. History—New \_\_\_\_\_.

#### 64B9-17.003 Competency and Knowledge Requirements.

(1) A registered nurse may administer medications to achieve conscious sedation during therapeutic, diagnostic, or surgical procedures; provided the registered nurse has completed the knowledge, education and competency requirements in this rule and may manage patients who are receiving and recovering from conscious sedation, ~~provided the following criteria are met:~~

(a) The registered nurse administers medications only in dosages titrated to achieve ~~only non-anesthetic drugs for~~ conscious sedation, ~~unless the registered nurse is also certified as a nurse anesthetist or unless the registered nurse administers anesthetic agents during an emergency under the direction and supervision of a physician;~~

(b) The registered nurse, or an institution-based emergency response team, ~~a facility-based Code Team,~~ must have demonstrated skill in age-specific airway management and emergency resuscitation through advanced cardiac life support (ACLS), pediatric advanced life support (PALS), neonatal resuscitation program (NRP), or equivalent training;



(c) The registered nurse must have successfully completed a program in conscious sedation developed by the institution or by an approved continuing education provider. The content of that program must, at a minimum, be four hours in length, contain information on the definitions, knowledge, education and competency requirements in this rule, including the continuum of levels of sedation, and on drugs used during conscious sedation, including reversal agents, their actions, side-effects and untoward effects, and assessment and monitoring of the patient receiving the medication. The program must also address recognition of emergency situations, institution of appropriate nursing interventions, and evaluation of physiologic measurements, such as respiratory rate, oxygen saturation, blood pressure, cardiac rate and rhythm, and the patient's level of consciousness.;

(d) The registered nurse administers medications to achieve conscious sedation by executing the order of a qualified anesthesia provider or physician licensed under Chapter 458 or 459, F.S. Although the determination of medical dosage and the patient's medical status is a medical decision, the registered nurse has the right and the obligation to question orders and decisions which are contrary to acceptable standards of nursing practice, and to refuse to participate in procedures which may result in harm to the patient, and to refuse to administer or continue to administer medications in amounts that may induce general anesthesia or loss of consciousness.;

(e) If medications are given intravenously, a continuous, patent intravenous access must be in place throughout the procedure and until the patient is recovered. If the medications for conscious sedation are given intranasal, intramuscular, oral or rectal route, staff capable of establishing an intravenous access should it become necessary must be immediately available.;

(f) through (g) No change.

(h) Emergency and resuscitative equipment that complies with the American Heart Association's current Advanced Cardiac Life Support or other age-specific protocols and that contain reversal agents for the medications to be administered must be available in the immediate area where the procedure is being performed.;

(i) through (j) No change.

(2) A registered nurse who meets the education, knowledge and competency requirements and conditions in this rule; may administer medications, ~~including anesthetic agents,~~ to achieve deep sedation only to a monitored, intubated, and mechanically ventilated patient who is located in an intensive care, critical care or emergency setting (or during the transport of such a patient within the institution).

(3) No change.

~~(4) For severely compromised or medically unstable patients, a qualified anesthesia provider must be present.~~

~~(4)(5) A registered nurse shall not administer general anesthesia unless licensed under Section 464.012, F.S., as a certified registered nurse anesthetist to the extent authorized by established protocol pursuant to Sections 464.012(3)(a) and 464.012(4)(a), F.S., or unless licensed as a certified nurse midwife to the extent authorized by established protocol pursuant to Section 464.012(3)(b), F.S.~~

Specific Authority 464.003(a), 464.006 FS. Law Implemented 464.003(a), 464.012(3), 464.015(1), (5), 464.019(1)(h) FS. History--New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, R.N., Ph.D., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-17.004  
 RULE TITLE: Effective Date

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 16, April 24, 2005 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-12.006  
 RULE TITLE: Examination Fee

**NOTICE OF CHANGE**

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed Rule published in Vol. 31, No. 20, May 20, 2005, issue of the Florida Administrative Weekly. The Board held a public hearing on this Rule on July 8, 2005, in Ft. Lauderdale, Florida, and determined a change to the above-referenced Rule should be made. When changed, the Rule shall read as follows.:

The fee for processing the application of an applicant by examination is \$250.00. This fee is in addition to the fee charged by the Nursing Home Administrators Examination (NAB).

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

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-15.002  
 RULE TITLE: Criteria for Approved Continuing Education

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed Rule published in Vol. 31, No. 20, May 20, 2005, issue of the Florida Administrative Weekly. The Board held a public hearing on this Rule on July 8, 2005, in Ft. Lauderdale, Florida, and determined changes to subsections (2), (5), (6), (7), (8), (9) and (10) of the Rule should be made. Also, some changes were made in response to comments from the Joint Administrative Procedures Committee.

These Subsections will now read as follows:

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

~~(a) through (f).~~

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

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

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

~~(5)(6)~~ To satisfy the requirements of this rule, attendance in the programs or courses of continuing education include personal presence at a live presentation or video conferencing offering, except a maximum of 10 hours credit may be obtained in any biennium through correspondence courses, home study courses, tape and/or video cassette courses or internet courses in the domains of practice provided the course requires passing a test to be graded by the provider and the passing score is verified by the provider of the course. Video cassette courses shall not exceed 5 hours per subject and must be in one of the domains of practice listed in Rule 64B10-16.005, F.A.C. ~~paragraphs 64B10-15.002(1)(a) through (f), F.A.C.~~ A validation form shall be signed by the vendor and the licensee verifying the specific domains of practice covered in the video cassette course and total viewing time. Such

verification/validation shall clearly indicate the course is a "correspondence course," "home study course," "tape or video cassette course" or "internet course" and that the licensee passed the course in order to be accepted as proof of attendance.

~~(6)(7)~~ Any licensee who acts as a preceptor for an Administrator-in-Training and completes such preceptorship within any biennium shall be allowed a maximum of ten (10) hours of continuing education credit for that biennium.

~~(7)(8)~~ Any licensee who acts as a preceptor for an internship and completes such preceptorship within any biennium shall be allowed a maximum of five (5) hours of continuing education credit for that biennium.

~~(8)(9)~~ The Board shall disapprove any or all credit if the Board determines the program fails to meet the requirements of subsection 64B10-15.002(1), F.A.C. Continuing education courses offered and approved by the National Association of Boards of Examiners of Long Term Care Administrators are accepted as long as the requirements are similar to or more stringent than those required by the Board in subsection 64B10-15.002(1) and Rule 64B10-16.005, F.A.C.

~~(9)(10)~~ The Board shall not accept credit for continuing education programs of less than 1 contact hour. ~~Attendance credit in fractions of an hour shall not be granted.~~

(10) Any subject matter dealing with internal affairs of an organization will not qualify for credit hours.

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

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-16.001  
 RULE TITLE: General Information  
 NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the Proposed Rule published in Vol. 31, No. 20, May 20, 2005, issue of the Florida Administrative Weekly. These changes are being made in response to comments from the Joint Administrative Procedures Committee.

Subsection (2) has been changed as follows:

(2) An applicant for the AIT program must meet those qualifications established by Section 468.1695, F.S., ~~which are in effect~~ at the time of application, and pay the application fee specified in Rule 64B10-12.013, F.A.C. The form title and number is, Administrator in Training Application, DH-MQA-NHA003 (Revised 10/05).

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

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-16.002  
 RULE TITLE: Preceptor

**NOTICE OF CHANGE**

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed Rule published in Vol. 31, No. 20, May 20, 2005, issue of the Florida Administrative Weekly. These changes are being made in response to comments from the Joint Administrative Procedures Committee.

Subsection (1) has been changed as follows:

(1) The Board will approve persons to act as preceptors in AIT programs based on the completion of application and an oral interview. The approval shall be effective indefinitely, so long as the preceptor maintains an active license to practice nursing home administration in this state. The form title and number is, Preceptor Certification, DH-MQA-NHA014 (Revised 10/05). ~~However, the Board shall disapprove a preceptor for a training program who has failed to remain in compliance with these requirements.~~

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

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: 64B13-5.002  
 RULE TITLE: Criteria for Approval

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed rule, published in Vol. 31, No. 38 of the September 23, 2005 issue of the Florida Administrative Weekly. These changes were made to address concerns expressed by the Joint Administrative Procedure Committee. When changed, the rule shall read as follows:

64B13-5.002 Criteria for Approval.

(1) No change.

(2) A non-transcript quality continuing education program that satisfies the following criteria or course content shall be approved upon presentation of the information specified in subsection 4. below:

(a) through (g) No change.

(3) A transcript-quality course that satisfies the following requirements, in addition to the criteria or course content in subsection (2) above, shall be approved upon presentation of the information specified below as well as the information specified in subsection (4) below:

(a) through (b) No change.

(c) The course must be taught by instructors approved by the Board. Faculty members that instruct regular courses for the sponsoring school or equivalent – educational entity will automatically be approved. Instructors not fitting into this category must be approved by the Board.

(d) through (e) No change.

(4) To obtain Board approval, the following information must be provided by the program or course provider or by a licensed practitioner who attended the course:

(a) through (g) No change.

(h) Notwithstanding paragraphs (a)-(c) above, if the program is non-transcript quality and has been previously approved by the Council on Optometric Practitioner Education (COPE), or by any other recognized organization that sponsors optometric education utilizing the criteria set forth in subsection (2) above, the Board shall approve the program upon submission of the approved course number issued by COPE or other recognized organization and compliance with paragraph (g) above.

(5) through (6) No change.

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

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

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

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S. to the proposed rule, published in Vol. 31, No. 24 of the June 17, 2005 issue of the Florida Administrative Weekly. These changes were made to address concerns expressed by the Joint Administrative Procedure Committee and were approved by the Board at its October 14, 2005 meeting. When changed, the rule shall read as follows:

64B32-5.003 Unprofessional Conduct; Acceptable Standards Definition.

(1) A licensee is guilty of unprofessional conduct, which is defined as any departure from, or failure to conform to, acceptable standards related to the delivery of respiratory care services. Some examples of unprofessional conduct shall include the following acts:

(a) Violating the confidentiality of information or knowledge concerning a patient.

(b) Falsely misrepresenting the facts on an application for employment as a respiratory therapist.

(c) Leaving a respiratory therapy assignment before properly advising appropriate supervisory personnel.

(d) Providing false or incorrect information to an employer regarding the status of the certification or registration.

(e) Failing to report another licensee in violation of the laws and/or rules pertaining to the profession.

(f) Using foul or abusive language in patient care or public areas.

(2) Acceptable standards means practicing respiratory care with the level of care, skill, and treatment which is recognized by a reasonably prudent respiratory therapist as being acceptable under similar conditions and circumstances.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

**DEPARTMENT OF HEALTH**

**Division of Children’s Medical Services**

RULE NO.: 64C-4.003  
 RULE TITLE: CMS Cardiac Facilities Diagnostic and Treatment Facilities or Services – Specific

**SECOND NOTICE OF RULE CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 29, July, 16, 2004, issue of the Florida Administrative Weekly. The changes are in response to comments received from two public hearings, a challenge to the proposed rule and written comments received from the Joint Administrative Procedures Committee (JAPC). The rule shall now read as follows:

CMS approved cardiac facilities must comply with the CMS Cardiac Facilities Standards, September 2005, and must collect and submit quality assurance data annually in accordance with the following forms:

- Pediatric Non-Invasive Cardiology Laboratory Procedures DH-CMS 2056, 9/05;
- Cardiac Catheterization Procedures DH-CMS 2057, 4/05;
- Cardiac Catheterization Cases – Primary Cardiac Diagnoses DH-CMS 2058, 3/05;
- Pediatric Cardiac Surgical Procedures – Closed Heart Procedures DH-CMS 2059, 4/05; and
- Pediatric Cardiac Surgical Procedures – Open Heart Procedures DH-CMS 2060, 4/05.

The standards and forms are incorporated herein by reference and are available from CMS Headquarters, 4052 Bald Cypress Way, Bin A06, Tallahassee, FL 32399-1707.

Specific Authority 391.026(18), 391.035 FS. Law Implemented 391.026, 391.035 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tobi Goodman, Government Analyst II, Department of Health, CMS Network Operations Bureau, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, ext. 2226, or FAX (850)488-3813

**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 CITRUS**

RULE TITLE: Grapefruit 2005-2006 Maturity Standards  
 RULE NO.: 20ER05-8

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 120.54(4)(b), Florida Statutes, states that those rules pertaining to perishable agricultural commodities shall be included in the definition of rules relating to the public health, safety, or welfare.

The Department received a petition requesting emergency rulemaking from the Indian River Citrus League, a non-profit industry organization located in Vero Beach, Florida. This emergency is due to the rapid spread of canker in the grapefruit growing regions in the state and the increasing need for growers to get some value out of their crop before the trees are pushed and burned in accordance with state and federal canker regulations. Strict enforcement of the minimum ratio of total soluble solids to anhydrous citric acid content requirements shall result in economic waste by causing good and safe food to be ruled immature.

After taking testimony and discussing the matter at an emergency public meeting and hearing in Lakeland, Florida on October 19, 2005, the Florida Citrus Commission found that there exists unusual circumstances and voted to adopt Emergency Rule 20ER05-8, adjusting the minimum ratio of total soluble solids to anhydrous citric acid content requirement for grapefruit for processed use to 7.5 to 1 from the regulated 8 to 1.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Adequate notice procedures were used by the Department of Citrus to inform the public and the Florida citrus industry of the pending adoption of Emergency Rule 20ER05-8 in that notice was made via emailing of the meeting notice on October 18, 2005,

to members of the Florida Citrus Commission, all industry organizations, the Florida Press Corps and other interested persons.

SUMMARY OF THE RULE: Emergency Rule 20ER05-8 adjusts the minimum ratio of total soluble solids to anhydrous citric acid content requirement for grapefruit for processed use to 7.5 to 1 from the regulated 8 to 1.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE EMERGENCY RULE IS:

20ER05-8 Grapefruit 2005-2006 Maturity Standards.

(1) During the period beginning October 21, 2005 up to and including January 31, 2006 grapefruit shall be deemed mature when the juice sample contains not less than a minimum ratio of total soluble solids to anhydrous citric acid of 7.5 to 1.

(2) All other rules of the department governing maturity standards for processed grapefruit during the period through January 19, 2006 shall be construed consistent with the emergency action taken.

Specific Authority 601.10(1)(7), 601.16 FS. Law Implemented 601.111, 601.16 FS. History—New 10-21-05.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 21, 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 CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: Hurricane Katrina Emergency Assistance

RULE NO.:

Program for Evacuees 65AER05-1

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: The Hurricane Katrina Emergency Assistance Program for Evacuees or Emergency Cash Assistance (ECA) program will provide a one-time cash assistance payment equal to four months of temporary cash assistance at the maximum payment level for the household size with a Tier-One Shelter Standard to evacuees from Louisiana, Mississippi and Alabama. An emergency exists for these evacuee families and

individuals based on loss of shelter and financial inability to acquire minimum subsistence due to no funds or inadequate funds or the inability to access funds believed to be available in the affected states. Without the emergency cash assistance being made available through the ECA program, a large number of evacuee families and individuals will remain at risk of loss of life and health.

REASONS FOR CONCLUDING THAT THE PROCEDURES ARE FAIR UNDER THE CIRCUMSTANCES: Emergency rulemaking is necessary to: (a) provide emergency assistance needed to address the emergency needs of evacuee families, and (b) specify eligibility criteria and verification requirements for ECA program implementation as quickly as possible. The agency is aware of the rulemaking procedures prescribed by Section 120.54, F.S. That process requires advance notice to the general public of intended rules and the opportunity to submit comments on the intended rule, prior to the agency’s adoption of the rule. The time period for adoption of administrative rules averages approximately four months.

Use of the emergency rulemaking procedures is the most effective and expeditious process to notify the general public of the availability and criteria for the ECA program, without waiving the procedural protections afforded to the public by law.

The agency plans to initiate rulemaking on the identical subject matter by filing a notice of rule development no later than October 26, 2005. The filing of such notice will adequately protect the rights of persons who might be substantially affected by the emergency or proposed rule.

SUMMARY OF THE RULE: Specific provisions for the Hurricane Katrina Emergency Assistance Program for Evacuees or ECA program include definitions; requirements related to application, eligibility, income and assets, residency, and verification; and, the length of time the ECA program will be available. It provides for a one-time cash assistance payment equal to four months of TCA at the maximum payment level for the household size with a Tier-One Shelter Standard. It also provides verification requirements for Katrina evacuee applicants.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

65AER05-1 Hurricane Katrina Emergency Assistance Program for Evacuees.

(1) Definitions:

(a) Application for ECA means the application for public assistance described in Administrative Rule 65A-1.205, F.A.C. The Hurricane Katrina Emergency Assistance Program for

Evacuees Supplement to the Application for Assistance, Form CF-ES 2346, Sept. 2005, incorporated by reference, may be attached to the application.

(b) Assistance Group or Eligible Family means individuals whose needs, income, and resources are considered to determine eligibility for the ECA.

(c) Available Countable Income and Assets means only income and assets available to the family at the time of application based on the applicant's statement of circumstances.

(d) Minor Child means a child under 18 years of age (or under 19 years of age if a full-time student in high school or its equivalent) living with a parent(s) or caretaker relative.

(e) Evacuee means a minor child, parent(s), or caretaker relative who relocated from Louisiana, Mississippi, or Alabama (any county or parish) as a result of Hurricane Katrina and is currently living in Florida.

(f) Pregnant Individual means a pregnant woman in her third trimester of pregnancy with no other children regardless of her ability to work and with or without medical verification.

(g) Student means a minor child who is attending school in Florida or was attending or enrolled in school in an affected state prior to the hurricane. An 18-year-old student who was attending high school or its equivalent prior to the hurricane or is enrolling in school in Florida is considered to meet the student criteria.

(h) Tier-One Shelter Standard means the shelter standard set forth in Section 414.095(11), F.S.

(2) Household Eligibility Requirements for ECA. The family:

(a) Must have resided in Louisiana, Mississippi, or Alabama (any county or parish) and evacuated from such state as a result of Hurricane Katrina and resides in Florida at the time of application.

(b) Must contain a minor child(ren) living with a parent(s) or caretaker relative.

(c) Must meet the standard filing unit and familial relationship policies prescribed for TCA in Administrative Rule 65A-4.208, F.A.C., except:

1. Student criteria is governed by this rule.

2. Pregnant women as defined in this rule with no other children in the household can qualify for ECA as a family of one.

(d) Will have eligibility determined counting only the needs of family members who evacuated to Florida.

(e) Must have available income equal to or less than 200 percent of the federal poverty level for their household size. Income and assets available to the family at the time of application will be considered when determining eligibility. If the income or assets exceed the applicable limit in the month of application, but are reduced below such limit by the following month, ECA for the month of application will be denied. ECA

will be approved for the following month, but ECA will not be disbursed until the month for which eligibility is established. For deferred payments, the applicant(s) or assistance group is not required to resubmit an application.

(f) Must have countable assets equal to or less than \$2,000.

(g) Must meet the technical requirements of citizenship/alien status set forth in Section 414.095(3), F.S., and the non-fleeing felon status set forth in Section 414.095(14)(g), F.S.

(h) Cannot be concurrently receiving Temporary Assistance for Needy Families (TANF) cash assistance in any state.

(i) Cannot receive ECA more than one time.

(j) Must apply for ECA no later than August 1, 2006.

(3) Children who were evacuated without their parent/caretaker relative and are now living with a non-evacuee caretaker relative can qualify as a child-only ECA case.

(4) Households that receive an ECA payment cannot receive TCA benefits for four consecutive months beginning with the month of ECA eligibility.

(5) Eligible evacuee households that were denied for TCA prior to implementation of the ECA program will be reviewed and their eligibility and payments will be authorized under the ECA program, without a separate application. Eligible evacuee households that were approved for food stamp or Medicaid benefits prior to implementation of the ECA program may request ECA benefits and be approved without a separate application.

(6) For ECA, the following verification procedures apply:

(a) Verification of applicant(s) or assistance group evacuee status should be obtained when available. Examples include:

1. Driver's license from Louisiana, Mississippi, or Alabama;

2. Documents or collateral contacts with the Red Cross, other relief agencies, or other individuals who can attest to the household's evacuee status; or

3. Household's statement when no other verification is readily available.

(b) The applicant(s) or assistance group statement regarding available income and resources is acceptable when no other verification is readily available.

(c) Verification of eligible TANF status is required:

1. If the applicant(s) or assistance group claims non-receipt of TANF in another state, an attempt will be made to verify the statement with the other state. If the attempted contact is unsuccessful, the statement will be accepted and recorded in the case file.

2. If the applicant(s) or assistance group is receiving TANF in another state, but claims not to have access to such funds or indicates they want to receive ECA in Florida and

elects to close their TANF case in the other state, an attempted telephone contact to the other state to request case closure will be made. If the attempted contact is unsuccessful, it will be recorded in the case file, and an e-mail sent to the other state requesting closure. ECA will be approved for the month of application if otherwise eligible and if the applicant(s) or assistance group did not have access to the TANF funds from the other state. Otherwise, ECA will be approved for the following month.

3. ECA will be denied if the applicant(s) or assistance group claims receipt of TANF, has access to the funds, and indicates they plan to continue receiving TANF.

Specific Authority 414.45 FS, Law Implemented 414.16 FS, History—New 10-24-05.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME IS SPECIFIED IN RULE.

EFFECTIVE DATE: October 24, 2005

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Services**

RULE TITLE: Special Provisions  
 RULE NO.: 65AER05-2  
 SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: The Medicaid for Hurricane Katrina Evacuees program will provide payment for emergency medical care and treatment on a temporary basis to evacuees from Louisiana, Mississippi and Alabama. An emergency exists for these evacuee families and individuals based on loss of shelter and their lack of adequate financial means to obtain the medical care and attention needed while temporarily residing in Florida. An emergency also exists based on the loss, abandonment or destruction of prescription drugs when leaving Mississippi, Louisiana or Alabama. There are reported instances of doctors' offices and hospitals previously providing medical care and treatment in Mississippi, Louisiana and Alabama being completely demolished and destroyed. Without the payment for emergency medical care and treatment being made available through this program, a large number of evacuee families and individuals will remain at risk of loss of life and health.

REASONS FOR CONCLUDING THAT THE PROCEDURES ARE FAIR UNDER THE CIRCUMSTANCES: Emergency rulemaking is necessary to: (a) provide emergency assistance needed to address the emergency needs of evacuee families, and (b) specify eligibility criteria and verification requirements for program implementation as quickly as possible. The agency is aware of the rulemaking procedures prescribed by Section 120.54, F.S. That process requires advance notice to the general public of intended rules and the opportunity to submit comments on the

intended rule, prior to the agency's adoption of the rule. The time period for adoption of administrative rules averages approximately four months.

Use of the emergency rulemaking procedures is the most effective and expeditious process to notify the general public of the availability and criteria for the program, without waiving the procedural protections afforded to the public by law.

The agency plans to initiate rulemaking on the identical subject matter by filing a notice of rule development no later than October 26, 2005. The filing of such notice will adequately protect the rights of persons believed to be substantially affected by the emergency or proposed rule.

SUMMARY OF THE RULE: Specific provisions for Medicaid coverage to the Hurricane Katrina evacuees include definitions and eligibility conditions related to affected counties/parishes in Louisiana, Mississippi, and Alabama; residency policies; evacuee status; eligibility determination; temporary eligibility period; verification of eligibility; income and assets; and coverage groups.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

65AER05-2 (65A-1.702) Special Provisions.

(1) through (16) No change.

(17) Medicaid for Hurricane Katrina Evacuees.

(a) Definitions.

1. Emergency Area means a geographic area or region in which a National Disaster has been declared as a result of Hurricane Katrina. For the purposes of this program, the relevant disaster is limited to affected counties or parishes in the States of Louisiana, Mississippi and Alabama declared by FEMA as requiring Individual Assistance.

2. Evacuee means an individual who is a resident of the emergency area, affected by a National Disaster as declared by the President of the United States pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and has been displaced from his or her home by the emergency, and is not a non-qualified alien and meets the definition of eligible population.

3. Evacuee Status means a temporary eligibility status, not to exceed five months, during which evacuees will be able to access specified Medicaid benefits and services.

4. Home State means the State in which the National Disaster has been declared and from which the evacuee has been displaced.

5. Host State means the State in which an evacuee is temporarily residing.

(b) Application Processing.

1. Applications will be accepted from August 24, 2005 through January 31, 2006, and may be retroactive to August 24, 2005. Any eligibility prior to September 1, 2005, will not count against an evacuee's eligibility period. The duration of the program is from August 24, 2005 through June 30, 2006.

2. The application process described in Administrative Rule 65A-1.205, F.A.C., will be used. The Hurricane Katrina Emergency Assistance Program for Evacuees Supplement to the Application for Assistance, Form CF-ES 2346, Sept. 2005, incorporated by reference, may be attached to the application.

(c) The Host State will, to the greatest extent possible, verify circumstances of eligibility, residency, and citizenship, to prevent fraud and abuse in the program. Evacuation status can be established by self-attestation of displacement, income, and immigration status. Evacuees must be required to cooperate in demonstrating evacuee status and other eligibility requirements.

(d) Proof of disability must be requested of individuals under age 65 who do not meet family-related Medicaid criteria, and who self-attest to a disability that prevents them from working for at least twelve months. Information for Social Security Administration available on a Medicare card or via data exchange is sufficient verification. If proof of disability is not available prior to application disposition, applicants must be given or mailed a Confirmation of Disability Letter, Form CF-ES 2347, Sept. 2005, incorporated by reference.

(e) Child support enforcement cooperation and the requirement to file for other benefits do not apply to applications processed under this emergency program.

(f) The population that may be certified under this rule is described in a Section 1115 waiver obtained from the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services. It consists of evacuees who are parents, pregnant women, children under age 19, individuals with disabilities, low income Medicare recipients potentially eligible for the Qualified Medicare Beneficiary program (QMB), and low income individuals in need of long-term care with incomes up to and including the Host state's Medicaid levels. Pregnant women from Alabama must have income below 133% of poverty to qualify for Medicaid, in accordance with the requirements of the Section 1115 waiver. Two months of post partum benefits will also be provided to women whose pregnancies end during the five month eligibility period, even if the two months extend Medicaid eligibility beyond the five month period. Presumptive eligibility for newborns, transitional and extended Medicaid and continuous eligibility policies do not apply to this emergency program. Ex parte reviews will not be conducted, in accordance with the authority granted by the Section 1115 waiver.

(g) Evacuees who meet the requirements of this section will receive benefits under these provisions and funding mechanisms. Eligible individuals who receive Medicaid under

these provisions cannot receive regular Medicaid for the same time period. Eligible evacuee households that were approved for food stamp or cash assistance benefits prior to implementation of this rule may request Medicaid benefits without a separate application.

(h) Fair hearings and/or appeals are not provided as part of this emergency Medicaid program.

Specific Authority 414.45 FS, Law Implemented 414.16 FS, History—New 10-24-05.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME IS SPECIFIED IN RULE.

EFFECTIVE DATE: October 24, 2005

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Insurance Agents and Agency Services

RULE TITLE:

RULE NO.:

Public Adjusting of Insurance Claims

from Hurricane Wilma

69BER05-11

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Financial Services hereby states that the following circumstances constitute an immediate danger to the public health, safety, and welfare: This emergency rule is necessitated by the property damage resulting in Florida from Hurricane Wilma, Florida's eighth hurricane in 15 months, which came ashore in Florida at 6:30 a.m. ET on October 24, 2005, as a category 3 hurricane near Cape Romano, 22 miles south of Naples. Hurricane Wilma came ashore with sustained winds up to 125 miles per hour, spinning off tornadoes and bringing a potential for up to 10 inches of rain according to the National Hurricane Center. It remained a category 2 hurricane as it traveled across the entire southern peninsula of the state with winds of up to 100 miles per hour. The Governor of Florida has declared a state of emergency (Executive Order # 05-219). The President of the United States has signed a disaster declaration to provide federal disaster assistance to the damaged areas.

Excessive adjusting fees are a source of injury to the public health, safety, and welfare by substantially impairing the financial ability of insureds to effectuate repairs to damaged property in a timely fashion, to commence or complete repairs, or to make proper and adequate repairs meeting building code requirements. In order for complete rebuilding to occur, insurance proceeds cannot be eroded by unreasonable public adjuster fees. As a result, there is a need to limit the fees imposed by public adjusters to a reasonable level. This rule limits fees charged by public adjusters to 10 per cent of the amount of the insurance policy proceeds paid to the policyholder.

The rule also contains provisions relating to required contract terms and other ethical requirements. These provisions are reasonable and necessary based on the Department's



experience with public adjuster abuses after prior hurricanes. The Legislature recognized, in Section 626.8698, Florida Statutes, that the interest of the public demands that public adjusters be prohibited from “soliciting or otherwise taking advantage of a person who is vulnerable, emotional or otherwise upset as a result of trauma, accident or similar occurrence...” Hurricane Wilma has placed a great number of people in a state of vulnerability, including many Floridians who live and work in areas previously impacted by Hurricane Rita, Hurricane Katrina, and Hurricane Dennis in the last three months as well as the four hurricanes which struck the state in 2004. The emotional stress of claimants may lead them to make imprudent decisions in the context of contracting with public adjusters.

In consideration of the emergency conditions currently existing, and given the Department’s responsibility to protect the public interest, including insureds, and implement the Insurance Code, an emergency rule is necessary.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** The Department of Financial Services believes that adopting an emergency rule is the fairest method to protect the public because the nature of the destruction caused by Hurricane Wilma, including flooding, power outages, and disruption of communication and transportation, requires an immediate response. The conditions from Hurricane Wilma will require the Department to exercise its authority to provide protection to consumers from unethical conduct of certain public adjusters. The provisions of this rule provide needed guidance to public adjusters. A Department bulletin addressed to all licensed public insurance adjusters would reach them, but would not be legally binding. A permanent rule would not have the flexibility and immediacy to protect the public welfare.

**SUMMARY OF THE RULE:** This emergency rule adopts emergency ethical standards to be applied to claims resulting from Hurricane Wilma. The rule limits public adjuster commissions to a maximum of 10% of insurance proceeds regardless of whether the risk is residential or commercial. The rule also prohibits public adjusters from requiring, demanding, or accepting payments prior to settlement of a claim. The rule requires certain standards for public adjuster contracts to reduce risk of deception. The rule establishes ethical standards to avoid incompetence, conflict of interest, or deception. The rule also establishes a 14-day rescission period for public adjuster contracts. Additionally the rule prohibits public adjusters from entering into a contract to adjust a residential property claim that has been declared a total loss, unless the public adjuster services can reasonably be expected to benefit the claimant.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Barry Lanier, Chief, Bureau of Investigation, Division of Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, phone (850)413-5606

THE FULL TEXT OF THE EMERGENCY RULE IS:

69BER05-11 Public Adjusting of Insurance Claims from Hurricane Wilma.

(1) General provisions.

(a) This emergency rule sets forth specific limits on public adjuster commissions and provides other ethical standards to protect insureds under stress due to loss.

(b) The provisions of this emergency rule are intended to supplement the requirements for conduct of public adjusting and ethical requirements placed on public adjusting as set forth in Rules 69B-220.051 and 69B-220.201, Florida Administrative Code, as promulgated pursuant to applicable law. These provisions are intended to provide needed guidance to public adjusters and assure ethical public adjusting claims practices under the specific circumstances caused by the impact of Hurricane Wilma.

(c) This rule applies only to losses occurring as a result of Hurricane Wilma.

(d) This rule applies for 90 days from the date filed with the Secretary of State, Bureau of Administrative Code.

(e) The provisions of this rule are ethical requirements binding upon public adjusters, in addition to those requirements established in Rule Chapter 69B-220, Florida Administrative Code.

(2) Definitions.

(a) “Public Adjuster” is defined for purposes of this rule as defined in Section 626.854, Florida Statutes.

(b) “Public Adjusting” is the activity described in Section 626.854, Florida Statutes.

(3) Limits on Commissions.

(a) As to any one insured or claimant, no public adjuster shall charge, agree to, or accept as compensation or reimbursement any payment, commission, fee, or other thing of value equal to more than ten percent of any insurance settlement or proceeds.

(b) No public adjuster shall require, demand, or accept any fee, retainer, compensation, deposit, or other thing of value, prior to settlement of the claim.

(4) Required Contract Terms. Public adjusters shall ensure that all contracts for their services are in writing, and contain the following terms:

(a) The contract shall legibly state the full name as specified in Department records of the public adjuster signing the contract.

(b) The contract shall be signed by the public adjuster who solicited the contract. If the public adjuster is licensed by the Department as an emergency public adjuster, the contract shall show the public adjuster's:

1. Permanent home address and home phone number;
2. Permanent home state business address and phone number; and
3. Florida adjuster license number.

(c) The contract shall show:

1. The insured's full name and street address;
2. Address of loss;
3. A brief description of the loss;
4. The insured's insurance company name and policy number, if available.

(d) The contract shall show the date the contract with the public adjuster was actually signed by the insured or claimant.

(e)1. The full compensation to the public adjuster shall be stated in the contract.

2. If the compensation is based on a share of the insurance settlement, the exact percentage shall be specified.

3. Any costs to be reimbursed to the public adjuster out of the proceeds shall be specified by type, with dollar estimates set forth in the contract.

4. Compensation provisions in a public adjusting contract shall not be redacted in any copy of the contract provided to an insurer. Such a redaction shall constitute an omission of material fact in violation of Section 626.9541(1)(e)2., Florida Statutes.

(5) General Ethical Requirements. Public Adjusters shall adhere to the following requirements:

(a) An adjuster shall not undertake the adjustment of any claim concerning which the adjuster is not currently competent and knowledgeable as to the terms and conditions of the insurance coverage, or which otherwise exceeds the adjuster's current expertise.

(b)1. No person shall, as a public adjuster, represent any person or entity whose claim the adjuster has previously adjusted while acting as an adjuster representing any insurer or independent adjusting firm.

2. No person shall, as a company or independent adjuster, represent him- or herself or any insurer or independent adjusting firm against any person or entity that the adjuster previously represented as a public adjuster.

(c)1. A public adjuster shall not represent or imply to any client or potential client that insurers, company adjusters, or independent adjusters routinely attempt to, or do in fact, deprive claimants of their full rights under an insurance policy.

2. No insurer, independent adjuster, or company adjuster shall represent or imply to any claimant that public adjusters are unscrupulous, or that engaging a public adjuster will delay or have other adverse effect upon the settlement of a claim.

(d)1. No public adjuster, while so licensed in Florida, may represent or act as a company adjuster, independent adjuster, or general lines agent.

2. No independent adjuster or company adjuster, while so licensed in Florida, may represent or act as a public adjuster.

(e)1. A public adjuster's contract with a client shall be revocable or cancelable by the insured or claimant, without penalty or obligation, for at least 14 business days after the contract is entered into. For the purposes of this rule, business days means Monday through Friday, except for state or national holidays.

2. The public adjuster shall disclose to the insured that the insured has the right to cancel with prompt notice within the revocation period.

3. If the insured elects to cancel the contract, prompt notice shall be provided to the adjuster.

4. Nothing in the provision shall be construed to prevent an insured from pursuing any civil remedy after the 14-day cancellation period.

(f) A public adjuster shall not enter into a contract or accept a power of attorney which vests in the public adjuster the effective authority to choose the persons who shall perform repair work.

(g) A public adjuster shall ensure that all contracts for the public adjuster's services are in writing and set forth all terms and conditions of the engagement.

(6) Total Loss Claims. No public adjuster shall knowingly enter into a contract to adjust a residential property claim subsequent to an insurer declaring the property a total loss, unless the services to be provided by the public adjuster can reasonably be expected to result in the claimant obtaining an insurance settlement, net of the adjuster's compensation, in excess of what the insured claimant would have obtained without the services of the public adjuster.

Specific Authority 120.54(4), 624.308, 626.878, 626.9611, FS, Law Implemented 624.307(1), 624.307, 626.611, 626.621, 626.865(2), 626.8698, 626.878, 626.9541(1)(e), (i) FS, History—New 10-25-05.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 25, 2005

## Section V

### Petitions and Dispositions Regarding Rule Variance or Waiver

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

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

#### **WATER MANAGEMENT DISTRICTS**

The St. Johns River Water Management District hereby gives notice that it received a petition for variance on October 25, 2005 from Sunny Palm Bay Holding, LLC. Pursuant to Section 120.542, Florida Statutes, Sunny Palm Bay Holding, 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 4-009-96870-1. The permit applicant is proposing to construct a residential development project, known as The Falls of Palm Bay 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. These rules are intended to protect the water resources of the State by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion.

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 2005-128.

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, or telephone (386)329-4488.

#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

The Agency for Health Care Administration hereby gives notice of the issuance of a Final Order denying the Petition of Variance received from Bethesda Memorial Hospital, seeking a variance from the provisions of Rule 59G-6.020, F.A.C.

The Petition for Variance was received by the Agency for Health Care Administration on August 11, 2005. The Agency for Health Care Administration published its Notice of Petition

for Variance in Vol. 31, No. 34, of the Florida Administrative Weekly on August 26, 2005. Rule 59G-6.020, F.A.C., establishes the reimbursement payment methodology for Medicaid inpatient hospitals.

The Agency for Health Care Administration filed a Final Order on October 26, 2005, dismissing the Petition for Variance. The Agency for Health Care Administration entered the Final Order as AHCA Case No.05-04VW.

A copy of the Clerk's Final Order may be obtained from: Richard Shoop, Clerk of Agency Proceedings, the Agency for Health Care Administration, 2727 Mahan Drive, M.S. #3, Tallahassee, Florida 32308.

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on October 18, 2005 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Cuisine Bon Berger Restaurant. The above referenced Florida Administrative Code addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the 2001 FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

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

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

The Board of Funeral Directors and Embalmers hereby gives notice that it has a Final Order Declining to Opine on the Petition of Gary Panoch. The Petition was filed with the Department Clerk on September 30, 2005. The Notice was filed in Vol. 31, No. 21 of the May 27, 2005, Florida Administrative Weekly, on behalf of Gary Panoch Funeral Home and Cremations of Boca Raton. The petition sought clarification from the Board as to whether Petitioner would be violating Chapter 470, F.S., or any rule of Title 61G, F.A.C., if Petitioner transferred a telephone line and telephone number that had belonged to a direct disposer business that is closing the business. The Board considered the Petition at a duly noticed telephonic meeting held on June 22, 2005. The Board declined to issue an order or give an opinion as it did not have authority and the Petition was not in proper form as it did not state any rule or statute with specificity.

Copies of the petition may be obtained from: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0754.

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The Board of Funeral Directors and Embalmers hereby gives notice that it has issued an Order on the Petition for Variance/Waiver. The Petition was filed on May 13, 2005, by Jonathan W. Meachem, Sr., and the Notice published in Vol. 31, No. 19, of the May 13, 2005, Florida Administrative Weekly. Petitioner sought a variance/waiver with respect to continuing education requirements of the original state of licensure as provided under Rule 61G8-25.001, F.A.C., entitled, Licensure by Endorsement; Embalmers. The Board considered the Petition at its duly-noticed telephonic meeting held on June 22, 2005. The Board's Order, filed on September 30, 2005, denied the Petition for waiver of Rule 61G8-25.001, Licensure by Endorsement; Embalmers, F.A.C., because Petitioner failed to establish a substantial hardship and thus did not meet the requirements of Section 120.542(2), F.S.

For a copy of the Board's Order, contact Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0754.

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The Board of Funeral Directors and Embalmers hereby gives notice that it has issued an Order on the Petition for Variance/Waiver. The Petition was filed on April 8, 2005 by Rosalin Martinez, and the Notice was published in Vol. 31, No. 20, of the May 20, 2005, Florida Administrative Weekly. The Petitioner sought a variance/waiver of Rules 61G8-18.001, entitled Embalmer Intern Training Program; 61G8-18.002, entitled Funeral Director Intern Training Program; and 61G8-18.003, Concurrent Internships, F.A.C., with respect to concurrent internship requirements. The Board considered the Petition at its duly-noticed telephonic meeting held on June 22, 2005. The Board's Order, filed on September 30, 2005, granted the Petition as Petitioner had established substantial compliance with Section 120.542, F.S., with respect to the 12-month concurrent internship requirements.

A copy of the Board's Order may be obtained from: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0754.

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The Board of Funeral Directors and Embalmers hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed on April 15, 2005 by Michael R. Tharp, CFSP. The Amended Notice was published in Vol. 31, No. 23, of the June 10, 2005, Florida Administrative Weekly. The Petitioner sought a variance/waiver of subsection 61G8-25.001(2), F.A.C. entitled Licensure by Endorsement; Embalmers, with respect to licensure requirements in the

original state of licensure. The Board considered the Petition at its duly-noticed telephonic meeting held on June 22, 2005. The Board's Order, filed on September 30, 2005, denied the Petition for waiver of subsection 61G8-25.001(2), F.A.C., finding as follows: the Petitioner failed to establish a substantial hardship, there was no violation of fairness and thus Petitioner did not meet the underlying purpose of Section 120.542, F.S. The Board found further that the licensure standards of the home state of Petitioner were not equivalent to or more stringent than Florida's licensing standards.

A copy of the Board's Order may be obtained from: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0754.

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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**

The Board of Clinical Laboratory Personnel hereby gives notice that it has issued an Order of Intent to Grant Petition for Waiver or Variance of paragraph 64B3-5.003(1)(n), F.A.C., filed by the Office of the Deputy Clerk on September 16, 2005, from Petitioner, Laura B. Melton. The Board reviewed the Petition at its meeting held on October 7, 2005, in Orlando, Florida. The Board's Order of Intent to Grant Petition for Waiver or Variance, filed in this cause on October 14, 2005, determined that the Petition for Variance or Waiver should be granted on the following grounds:

1. The Petitioner has demonstrated that her educational credentials sufficiently satisfy the requirements for licensure as a Cytogenetics Technologist.

A copy of the Petition and the Board's Order of Intent to Grant Petition for Waiver or Variance may be obtained by contacting: Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259.

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The Board of Medicine hereby gives notice that it has received a petition filed by Shahram Rahimi-Saber, M.D., on October 25, 2005, seeking a permanent waiver 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.

The Board of Medicine hereby gives notice that it has received a petition filed by Edgar B. Rodas, M.D., on October 14, 2005, seeking a temporary emergency variance from Rule 64B8-5.001, F.A.C., with regard to the passing score on Step 3 of the USMLE. 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.

The Board of Physical Therapy Practice hereby gives notice that it has received a petition filed by Edwin A. Bayo, Esquire, on behalf of Edilene Tizzo Tozzi, on September 30, 2005, seeking a waiver from Rule 64B17-3.003, F.A.C., with regard to the requirement to pass the national examination on or before a fifth try.

Comments on this petition should be filed with: Board of Physical Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Physical Therapy Practice, at above address or telephone (850)245-4131.

The Board of Psychology hereby gives notice that it has received an amended petition, filed on October 21, 2005, by Edwin A. Bayo, Esquire, on behalf of Stephen Guido, Ph.D., seeking a waiver of the requirements of subsections 64B19-11.012(2) and 64B19-11.0035(3), Florida Administrative Code, and the submission of a "License/Certification Verification Form and a "comparability letter" as part of his application for licensure by endorsement.

Comments on this petition should be filed with: Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Susan Love, Executive Director, Board of Psychology, at the above address or telephone (850)245-4373 ext. 3480.

The Board of Psychology hereby gives notice that it has received a petition, filed on October 12, 2005, by Tamara Viviano, Ph.D., seeking a permanent waiver of subparagraph 64B19-11.005(2)(c)1., Florida Administrative Code, to allow

hours gained in excess of the time limits established by rule to be counted toward the post-doctoral experience requirements for licensure.

Comments on this petition should be filed with: Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Susan Love, Executive Director, Board of Psychology, at the above address or telephone (850)245-4373 ext. 3480.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that the Department of Children and Family Services has received a Petition for Waiver of subsection 65C-15.017(3), F.A.C. The Petition was received by the Agency Clerk on September 23, 2005, by Family Preservation Services of Florida, assigned Case Nos. 05-005W. Subsection 65C-15.017(3), F.A.C., requires that staff performing casework services shall have a bachelor's degree in social work or related area of study from an accredited college or university.

A copy of the Petition may be obtained by writing: Office of the Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

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

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration

Division of Bond Finance

Financial Services Commission:

Office of Insurance Regulation

Office of Financial Regulation

Financial Management Information Board

Department of Veterans' Affairs

Department of Highway Safety and Motor Vehicles

Department of Law Enforcement

Department of Revenue

Administration Commission

Florida Land and Water Adjudicatory Commission

Board of Trustees of the Internal Improvement Trust Fund

Department of Environmental Protection

DATE AND TIME: November 22, 2005, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the Office of Insurance Regulation concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the Office of Financial Regulation relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative

procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, conservation and preservation lands and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters pertaining to the Office of Greenways and Trails for lands acquired through the Greenways and Trails land acquisition program and lands managed by the Office of Greenways and Trails. The Department of Environmental Protection, as staff to the Board of Trustees of the Internal Improvement Trust Fund in addition to the above, will also present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/index.html> or by contacting each individual agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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#### DEPARTMENT OF STATE

The **Southeast Florida Preservation, Inc.** announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 30, 2005, 11:00 a.m.

**PLACE:** McKee Botanical Garden, 350 US Highway 1, Vero Beach, Florida 32962

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General Business Meeting.

A copy of the agenda may be obtained by writing to the Southeast Florida Regional Preservation Office, Florida Division of Historical Resources, FDOS, 231 S.W. 2nd Avenue, Fort Lauderdale, Florida 33301.

Should any person wish to appeal any decision made with respect to the above referenced meeting, s/he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance at (954)467-4990.

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

**DATE AND TIME:** November 30, 2005, 11:00 a.m. – 4:00 p.m.

**PLACE:** University of Florida, Fine Arts Building A, Room 101, Dean's Conference Room, Gainesville, Florida 32611

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General business meeting

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

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office if you need accommodations. Accommodations can be arranged through the Office of Cultural and Historical Programs at (850)245-6333, by fax at (850)245-6437.

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#### DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold a meeting on November 14 & 15, 2005 to discuss general issues. Please call (850)414-3300 for instructions on participation. If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

**DATES AND TIMES:** Monday, November 14, 2005, 1:00 p.m. – 5:00 p.m., Tuesday, November 15, 2005, 9:00 a.m. – 1:00 p.m.

**PLACE:** Pensacola Junior College, 1000 College Boulevard, College Centre, Building 96, Room 9663, Pensacola, FL 32504-8998

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#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Propane Gas Safety, Education and Research Council** will hold a meeting via conference call to which all interested persons are invited.

**DATE AND TIME:** November 16, 2005, 10:00 a.m. until 12:00 noon

**PLACE:** Conference call

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss current and proposed Council programs and budget issues.

Persons interested in participating in the conference call or obtaining an agenda or addition information, please contact Vicki O'Neil at (850)921-8001.

All requests for special accommodations must be received by November 11, 2005.

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#### DEPARTMENT OF EDUCATION

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

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

**PLACE:** Florida Community College at Jacksonville, Technology Center, 101 West State Street, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of Minutes of meeting held October 18, 2005 and updates on various reports and status on education initiatives by the Chairman and Commissioner. Other items to be considered include: Charter School Appeal: Wilbesan Charter School vs. Hillsborough County School Board, Approval of Strategic Plan for Community Colleges, Approval of Critical Teacher Shortage Areas for 2006-2007; Adoption of a Resolution Authorizing the Sale of Not Exceeding \$116,300,000 State of Florida, Full Faith and Credit, State Board of Education Public Education Capital Outlay Bonds, 2003 Series D; A Resolution Requesting the Division of Bond Finance of the State Board of Administration of Florida to Issue Revenue Bonds on Behalf of the State University System to Finance the Acquisition and Construction of Capital Projects of the State University System; A Resolution of the State Board of Education of the State of Florida Approving the Issuance of Bonds in an Amount Not Exceeding \$19,500,000 by the Escambia County Housing Finance Authority for and on Behalf of the University of West Florida Foundation, Inc., to Finance the Refunding of Certain Outstanding Obligations; A Resolution Requesting the Division of Bond Finance of the State Board of Administration of Florida to Issue Revenue Bonds on Behalf of Florida Agricultural and Mechanical University, to Refinance all or a Portion of Certain Outstanding Student Apartment Facility Revenue Bonds of the University; the Polk Community College Request for Site Designation Approval for Lake Wales Special Purpose Center; and other business of the Board. In addition, updates will be provided by various entities within the Department.

A copy of the agenda may be obtained from the Commissioner of Education's website at <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

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The Florida **State Board of Education** and Florida **Board of Governors** invites you to a meeting of the Access Task Force to which all persons is invited.

DATE AND TIME: Wednesday, November 16, 2005, 9:00 a.m. – 2:00 p.m.

PLACE: Florida Community College, Advanced Technology Center, Room T-140, 401 West State Street, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Access Task Force.

Special accommodations: persons with disabilities who require assistance to participate in this meeting are requested to contact the Office of Strategic Initiatives at 325 West Gaines Street, Tallahassee, FL 32309 or by phone at (850)245-9840.

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The public is invited to Committee meetings of the Florida **Board of Governors**. The Audit Committee and the Performance and Accountability Committee will meet.

DATE AND TIME: November 16, 2005, 1:00 p.m. – 5:00 p.m.

PLACE: Board of Trustees Room, The University Center, University of North Florida, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of status of FAMU audit report recommendations; summary overview of audit findings reported by the Auditor General for the past year. Continuing discussion of university accountability measures.

A copy of the agenda may be obtained from the Board of Governors website at <http://www.flbog.org> and from the Department of Education's website at <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

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The public is invited to Committee meetings and the regular meeting of the Florida **Board of Governors**. The Facilities Committee, the Strategic Planning/Educational Policy Committee, and the Student Affairs Committee will meet. The regular meeting of the Board will follow the Committee meetings.

DATE AND TIME: November 17, 2005, 8:00 a.m. – 5:00 p.m.

PLACE: Board of Trustees Room, University Center, University of North Florida, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of recommendations on revenues and procedures/processes for capital facilities funding and project lists; consideration of amended Three Year PECO Project Priority List; Consideration of amended Five Year Capital Improvement Plan; Consideration of amended 2006-2007 SUS Fixed Capital Outlay Legislative Budget Request for the State University System; Continuing discussion of university enrollment plans and degree plans; Discussion of enrollment planning and enrollment management; Identification of programs to use in developing and testing an appropriate methodology for cost per degree; Consideration of State Board of Education rules regarding articulation; Discussion of minority student access, retention and graduation; Discussion of university regulations of tuition and fees; Consideration of a request to exercise the power of eminent domain, FSU; Consideration of a Resolution requesting the Division of Bond Finance of the State Board of Administration of Florida to Issue Revenue Bonds on behalf of FAMU to Refinance all or a portion of Certain Outstanding Student Apartment Facility Revenue Bonds of the University; Consideration of a Resolution Requesting the Division of Bond Finance of the State Board of Administration of Florida to Issue Revenue Bonds on behalf of the State University System to Finance the Acquisition and Construction of Capital Projects of the State



University System; Consideration of a Resolution of the Board of Governors Approving the Issuance of Bonds in an amount not exceeding \$19.5 million by the Escambia County Housing Finance Authority for and on behalf of the University of West Florida Foundation, Inc., to Finance the Refunding of Certain Outstanding Obligations; presentation and discussion of proposals for new medical schools, FIU, UCF; Discussion of Board of Governors legislative issues for the 2006 Legislative Session; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from the Board of Governors website at <http://www.flbog.org> and from the Department of Education's website at <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

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The public is invited to the meeting of the Florida **Board of Governors** Foundation Inc., upon the adjournment of the regular meeting of the Board of Governors.

DATE AND TIME: November 17, 2005, 5:00 p.m. – 5:30 p.m.

PLACE: Board of Trustees Room, University Center, University of North Florida, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Election of Officers for 2006 for the Florida Board of Governors Foundation, Inc.; Approval of 2006 Operating Budget; and other matters pertaining to the Florida Board of Governors Foundation, Inc.

A copy of the agenda may be obtained from the Board of Governors website at <http://www.flbog.org> and from the Department of Education's website at <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

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The **Department of Education, Florida Education Foundation** will hold a Quarterly Meeting of the Board of Directors and Committees which is open to the public.

DATES AND TIMES: Committee Meetings November 13, 2005, 6:00 p.m.; Full Board Meeting November 14, 2005, 8:30 a.m.

PLACE: Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a quarterly meeting of the board. Consideration of foundation business including but not limited to: Committee reports; pending accounts payable, possible committee proposals for funding and matters pertaining to general administration of the foundation; executive director's report and approval of minutes.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 2 days in advance, so that their needs can be accommodated.

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#### DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs**, Century Commission for a Sustainable Florida (Century Commission) announces the following meeting to which all interested persons are invited:

DATE AND TIME: Monday, November 14, 2005, 8:30 a.m. – 4:00 p.m.

PLACE: EpiCenter (associated with St. Petersburg College), 13805 58th Street, North, Largo, Florida 33760

PURPOSE: This will be the initial meeting of the Century Commission. The members will discuss the Commission's statutory role, including how to address the impacts of population growth during the next 25-50 years. The Commission will also hear from invited speakers.

A copy of the agenda and other information regarding the meeting and the Century Commission may be obtained at the Internet address: ([www.dca.state.fl.us](http://www.dca.state.fl.us)) or by contacting Steve Seibert, (850)321-9051 ([steve@seibertlaw.com](mailto:steve@seibertlaw.com)) or Bethany Kemp, (850)488-8466 ([Bethany.kemp@dca.state.fl.us](mailto:Bethany.kemp@dca.state.fl.us)).

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact the above mentioned: Bethany Kemp, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or at her contact number or email address listed above.

If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at (800)955-8770 (voice) or (800)955-9771 (TDD).

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#### DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District 3 hereby announces public hearings to which all persons are invited. Specific notice is provided to the Florida-Alabama Transportation Planning Organization and the County Commissioners for Escambia and Santa Rosa Counties serving as TPO for their respective counties; the Tallahassee Capital Region Transportation Planning Agency and the County Commissioners for Leon, Gadsden, Liberty, Wakulla, Franklin, and Jefferson Counties serving as TPO for their respective counties; the Okaloosa-Walton Transportation Planning Organization and the County Commissioners for Okaloosa and Walton Counties serving as TPO for their respective counties; and the Bay County Transportation Planning Organization and the County Commissioners for Bay, Gulf, Washington, Jackson, Holmes, and Calhoun Counties serving as TPO for their respective counties.

The public hearings for Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties are scheduled as follows:

DATE AND TIME: November 14, 2005, District Three Work Program, 2:00 p.m. (CST)

PLACE: City Hall Commission Chamber, 107 Miracle Strip Parkway, Ft. Walton Beach, Florida 32548

DATE AND TIME: November 15, 2005, District Three Work Program, 3:00 p.m. (EST)

PLACE: FDOT Midway Operations Center Conference Room 100, 17 Commerce Blvd., Midway, Florida 32343

NOTE: This hearing has been rescheduled. It was previously scheduled for November 8, 2005, 3:00 p.m. (EST).

DATE AND TIME: November 18, 2005, District Three Work Program, 2:00 p.m. (CST)

PLACE: Panama City Commission Chamber, 9 Harrison Avenue, Panama City, Florida 32401

DATE AND TIME: November 22, 2005, District Three Work Program, 2:00 p.m. (CST)

PLACE: Santa Rosa County Commission Chambers, 6495 Caroline Street, Milton, Florida 32570

NOTE: This hearing has been rescheduled. It was previously scheduled for November 3, 2005, 2:00 p.m. (CST)

NOTE: The public hearing scheduled for Chipley on November 2, 2005, has been cancelled and will not be rescheduled.

Any comments or input are welcome from all local and regional interest groups, governmental entities, business enterprises, and the general public. These hearings are held in conformance with Public Law 101-336, the Americans with Disabilities Act (ADA). Assistance for disabled persons may be arranged by contacting the Title VI/VII Coordinator at (850)638-0250, extension 520, at least 7 working days in advance of the public hearings.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** These public hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes. The hearings serve two purposes. The purposes of the public hearings are to consider the Department's Improved Tentative Work Program for District Three, for the period 2006/2007 through 2010/2011, and to consider the necessity of making any changes to the Program.

Written comments from TPOs and other interested parties will be received by the Department at the public hearings and within 10 days after the Public Hearings. Comments should be addressed to: Mr. H. E. Prescott, District Secretary, Department of Transportation, District Three, Post Office Box 607, Chipley, Florida 32428.

The Florida **Department of Transportation**, District Two announces Public Hearings to present the Department's Tentative Work Program for Fiscal Years beginning July 1, 2006, through June 30, 2011, to which all persons are invited. Assistance for disabled persons may be arranged by contacting Mr. Bill Henderson, District Planning & Environmental Manager, Lake City District Office at 1(800)749-2967 at least ten (10) days in advance of the Public Hearings.

1. Live Oak Hearing: Specific notice is provided to the County Commissioners for Taylor, Lafayette, Madison, Hamilton, and Suwannee counties serving as MPO for their respective counties.

DATE AND TIME: Monday, November 28, 2005, 5:30 p.m.

PLACE: Suwannee River Water Management District, Board Room 9225 County Road 49, Live Oak, Florida

2. Lake City Hearing: Specific notice is provided to the Gainesville Metropolitan Transportation Planning Organization (MTPO) and the County Commissions for Dixie, Levy, Gilchrist, Bradford, Alachua, Columbia, and Union counties serving the MPO for the respective counties.

DATE AND TIME: Tuesday, November 29, 2005 at 5:30 p.m.

PLACE: FDOT Lake City District Office, Madison Room, 1109 South Marion Avenue, Lake City, Florida

3. Jacksonville Hearing: Specific notice is provided to the First Coast Metropolitan

Planning Organization (FCMPO) and the County Commissions for Putnam, St. Johns, Nassau, Baker, Clay, and Duval counties serving as MPO for their respective counties.

DATE AND TIME: Monday, December 5, 2005, 5:30 p.m.

PLACE: FDOT, Jacksonville Urban Office, Training Facility, 2198 Edison Avenue, Jacksonville, Florida

The proposed improvements have been developed in accordance with the Civil Rights Act of 1964, and the Civil Rights Act of 1968. Under Title VI and Title VIII of the United State Civil Rights Act and person(s) or beneficiary who believes they have been subjected to discrimination because of race, color, religion, sex, age, national origin, disability or familial status may file a written complaint to the Department of Transportation's Equal Opportunity Office in Tallahassee or contact the District Title VI and Title VIII Coordinator in Lake City.

Central Office: Florida Department of Transportation, Equal Opportunity Office, 605 Suwannee Street, MS 65, Tallahassee, Florida 32399-0450

District Office: Florida Department of Transportation, District Two, Title VI & Title VIII Coordinator, 1109 South Marion Avenue, MS 2016, Lake City, Florida 32025-8574

These Public Hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, to consider the Department's Tentative Work Program for the period 2006-2007 through 2010-2011, and to consider the necessity of making any changes to the Program.

Written comments from the Commissions and other interested parties will be received by the Department at the Public Hearings and within ten days thereafter.

Comments should be addressed to: Mr. Charles W. Baldwin, P.E., District Secretary, Florida Department of Transportation, District Two, 1109 South Marion Avenue, Lake City, Florida 32025-5874, Telephone 1(800)749-2967.

The State of Florida **Department of Transportation District Four** announces a public hearing to which all persons are invited.

DATE AND TIME: November 29, 2005, Open House 6:00 p.m., Formal Presentation 7:15 p.m.

PLACE: Renaissance Plantation Hotel, 1230 South Pine Island Rd., Plantation, Florida, 33324

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation District Four will be conducting a public hearing concerning proposed capacity, safety, and operational improvements for I-595 from I-75 to east of I-95. The hearing is being conducted pursuant to the provisions of 23 USC Section 771 and Section 335.155, Florida Statutes; in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended; and is consistent with the Americans with Disabilities Act of 1990. This hearing is being held to afford interested persons the opportunity to express their views concerning the proposed Project Financial Identification Number: 409354-1-22-01, otherwise known as the I-595 PD&E Study. Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988.

Anyone needing project or public hearing information, a copy of the agenda, or accommodations under the Americans with Disabilities Act of 1990, may contact Mr. Steven C. Braun, P. E., Project Manager, FDOT District Four by calling (954)777-4143 or toll free (866)336-8435, ext. 4143; by writing: Mr. Braun, 3400 W. Commercial Blvd., Fort Lauderdale, Florida 33309; or by e-mailing Mr. Braun at [steve.braun@dot.state.fl.us](mailto:steve.braun@dot.state.fl.us).

Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

#### **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**

The **Department of Citrus** announces an emergency meeting via telephone conference of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Thursday, October 27, 2005, 8:30 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 discuss emergency rulemaking regarding maturity requirements for salvaged fruit and other pressing commission business and to discuss any other issues that may properly come before 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.

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)487-8587.

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Wednesday, November 16, 2005, 9:00 a.m. The Commission will convene for the purpose of standing committee meetings and the regular monthly meeting of the Florida Citrus Commission.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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.

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#### FLORIDA PAROLE COMMISSION

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

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

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C., Third Floor, Tallahassee, Florida 32399-2450

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

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980). A copy of the Agenda may be obtained by writing to the Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

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

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

DATE AND TIME: Wednesday, November 30, 2005, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C., Third Floor, Tallahassee, Florida 32399-2450

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

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980). A copy of the Agenda may be obtained by writing to the Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

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

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#### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 050693-TL – Petition to reduce intrastate switched access rates in revenue-neutral manner pursuant to Section 364.164, Florida Statutes, by ALLTEL Florida, Inc.

DATE AND TIME: November 21, 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 consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the prehearing.

Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at (800)955-8771 (TDD) or (800)955-8770 (VOICE).

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The Florida **Public Service Commission** will consider at its November 29, 2005, Agenda Conference, Docket No. 050751-EI, Application by Gulf Power Company (Gulf) for authority to issue and sell securities and to receive common equity contributions during the 12 months ending December 31, 2006. Pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code, Gulf seeks authority to receive equity funds from and/or issue common equity securities to the Southern Company (Southern), Gulf's parent company, to issue and sell long-term debt and equity securities, and to issue and sell short-term debt securities. The maximum amount of common equity contributions received from and common equity issued to Southern, the maximum amount of equity securities issued and the maximum principal amount of long-term debt securities issued will total not more than \$400 million. The maximum principal amount of short-term debt at any one time will total not more than \$250 million.

DATE AND TIME: November 29, 2005, The Agenda Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action on Docket No. 050751-EI.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (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, which can be reached at (800)955-8771 (TDD). For additional information, please contact Katherine Fleming, Office of the General Counsel, (850)413-6218.

The Florida **Public Service Commission** will consider at its November 29, 2005, Agenda Conference, Docket No. 050791-GU, Application of Florida City Gas, a Division of Pivotal Utility Holdings, Inc., for authority to issue short-term debt security pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to finance its on-going cash requirements through its participation and borrowings from and investments in AGL Resources Inc.'s (AGLR) Utility Money Pool. In addition, the Company seeks approval to make short-term borrowings not to exceed \$800 million (aggregate for the Company's three utilities) annually from the Utility Money Pool according to limits that are consistent, given the seasonal nature of the Company's business and its anticipated cash demands, with the Company's capitalization.

DATE AND TIME: Tuesday, November 29, 2005, The Agenda Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 050791-GU.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (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, which can be reached at (800)955-8771 (TDD). For additional information, please contact Katherine Fleming, Office of the General Counsel, (850)413-6218.

## EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Office of Tourism, Trade and Economic Development**, will be hosting a 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: Friday, November 18, 2005, 9:30 a.m. – 5:00 p.m.

PLACE: The Institute for Simulation and Training, University of Central Florida, Orlando, Florida

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 presentations from The Space Foundation, Cape Canaveral Air Force Station, The Florida Space Authority, The Florida Aerospace Finance Corporation, The Florida Space Research Institute, Enterprise Florida, and the Florida Department of Transportation. An aviation panel, moderated by Marshall Heard, chairman of the Florida Aerospace and Aviation Alliance, will include Embry-Riddle Aeronautical University, the Institute for Simulation & Training, the Florida Airports Council, and the Florida Aviation Trades Association. There will be time allotted for discussion among the Commissioners focused on consensus of the final report.

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, (800)955-8771 (TDD).

Volunteer Florida, the **Governor's Commission on Volunteerism and Community Service**, is pleased to announce a meeting to which all persons are invited.

DATES AND TIMES: Sunday, November 13, 2005, 1:30 p.m. – 9:30 p.m., Monday November 14, 2005, 8:30 a.m. – 12:00 p.m. noon

PLACE: St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Commission Meeting.

Please contact Gwen Erwin at (850)921-5172 for a detailed schedule and meeting agenda.

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

**REGIONAL PLANNING COUNCILS**

The **Region V Training Council** will hold its Bi-Annual Advisory Committee Meeting:

DATE AND TIME: December 7, 2005, 1:30 p.m.

PLACE: N.E. Florida Criminal Justice Training and Education Center Conference Room, 4715 Capper Rd., Jacksonville, FL.

For an advanced copy of the agenda please contact Director Mark Stevens, N.E.F.C.J.T.E.C. (904)713-4900 or fax (904)713-4828.

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

DATE AND TIME: Thursday, November 17, 2005, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

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

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

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

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

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting to discuss regional issues impacting South Florida including transportation

A copy of the agenda may be obtained by writing The Broward Workshop, 2601 East Oakland Park Boulevard, Suite 503, Fort Lauderdale, Florida 33306. The Regional Business Alliance is comprised of business leaders from Miami-Dade, Broward, and Palm Beach counties, including members of the South Florida Regional Transportation Authority.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council at (954)967-4152 Ext. 40 (TDD) if you require additional information regarding the meeting above. If you require special accommodations because of a disability or physical impairment, please contact the Council at (954)985-4416 at least five calendar days prior to the meeting.

**WATER MANAGEMENT DISTRICTS**

The **Southwest Florida Water Management District** announces a public meeting, hearing or workshop to which all persons are invited.

GREEN INDUSTRY ADVISORY COMMITTEE

DATE AND TIME: Thursday, November 17, 2005, 9:30 a.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing to the Southwest Florida Water Management District, 2379 Broad Street (U.S. 41 South), Brooksville, Florida 34604 or by calling the Southwest Florida Water Management District at (352)796-7211, extension 4402 or 1(800)423-1476, extension 4402; or SUNCOM 628-4150. If you are hearing or speech impaired, please contact the District by calling TDD ONLY 1(800)231-6103.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by calling (352)796-7211, extension 4402; 1(800)423-1476, extension 4402; or SUNCOM 628-4150. If you are hearing or speech impaired, please contact the District by calling TDD ONLY 1(800)231-6103.

**REGIONAL UTILITY AUTHORITIES**

The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular November monthly board meeting as scheduled. This is a public meeting to which all persons are invited:

DATE AND TIME: November 16, 2005, 4:30 p.m.

PLACE: Sumter County Courthouse, Commission Meeting Room 222, 209 N. Florida Street, Bushnell, FL 33513

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, Florida 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

**DEPARTMENT OF VETERANS' AFFAIRS**

The Florida **Commission on Veterans' Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: Meeting: Thursday, November 17, 2005, 1:00 p.m.

PLACE: Room 116, Knott Building, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting and planning session.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Nancy Schiellerd, Florida Department of Veterans' Affairs, 4040 Esplanade Way, Suite 180, Tallahassee, Florida 32399-7016

Please telephone (850)487-1533 at least 48 hours prior to the meeting.

**DEPARTMENT OF ELDER AFFAIRS**

The **Department of Elder Affairs** has cancelled the rule development workshop scheduled for October 26, 2005, for the revisions to the Client Services Manual referenced in Rules 58A-1, Administration of Federal Aging Programs; 58C-1, Community Care for the elderly; 58D-1, Administration of the Alzheimer's Disease Initiative; and 58H-1, Home Care for the Elderly Program.

The workshop will be re-scheduled at a later date and noticed in the Florida Administrative Weekly.

The person to be contacted regarding the workshop is: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Suite 315, Tallahassee, FL 32399-7000. Telephone Number: (850)414-2000. E-mail address: crocethj@elderaffairs.org.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** would like to announce a teleconference meeting of the Bone Marrow Transplant Panel to which all interested persons are invited to participate.

DATE AND TIME: Tuesday, November 22, 2005, 10:00 a.m. – 12:00 noon

PLACE: TELECONFERENCE, Telephone (850)921-5320, SC: 291-5320

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this teleconference is to discuss matters related to Bone Marrow Transplantation. Authority for this committee is granted by Section 627.4236, Florida Statutes.

For additional information, please contact Margaret Cavendish at (850)921-5505, SC 291-5505 or by email at cavendim@ahca.myflorida.com.

The **Agency for Health Care Administration** announces a meeting of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: Thursday, November 17, 2005, 9:00 a.m.

PLACE: Vincent A. Stabile Research Building, David Murphy Conference Room, H. Lee Moffitt Cancer Center & Research Institute, 12902 Magnolia Drive, Tampa, Florida 33612.

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 to: 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 meetings of the Council for the Regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: November 14, 2005, 10:00 a.m. – 12:30 p.m.

PLACE: The Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida, 32308. If you are unable to participate in person, please call the phone number provided to participate via telephone, Telephone Number: (850)410-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Disproportionate Share Hospital (DSH) payments.

Contact Edwin Stephens, (850)413-8067 or Suncom 294-8067, with any questions or to obtain an agenda when it is set.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 17, 2005, 1:30 – 3:00 p.m.

PLACE: Area One Medicaid Office, 160 Governmental Center, Pensacola, Florida 32502

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Area One Managed Care Behavioral Health Advisory Group will hold its quarterly meeting. The purpose of the meeting is to provide a forum for the community to discuss issues surrounding managed behavioral health care services with representatives from the managed care plans, the Agency, and the Department of Children and Families.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Deborah McNamara, (850)414-0633, at least five calendar days prior to the meeting.

For additional information contact: Deborah McNamara, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308; E-mail: mcnamard@ahca.myflorida.com

The **Agency for Health Care Administration** announces a Public Hearing to which all persons are invited.

DATE AND TIME: November 22, 2005, 9:00 a.m.

PLACE: Department of Health, Main Auditorium, 780 S.W. 24th Street, Fort Lauderdale, FL 33315-2643

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 **Agency for Workforce Innovation**, Office of Early Learning announces a meeting of their Early Learning Advisory Council to which all interested parties are invited.

DATE AND TIME: December 2, 2005, 9:00 a.m. – 2:00 p.m.

PLACE: The Crowne Plaza – Airport, 5555 Hazeltine National Drive, Orlando, Florida (For reservations, please contact the hotel (407)856-0100, and state that you are part of the Office of Early Learning meeting block in order to receive the discounted room rate).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Council business.

For more information, please contact: Cynthia Fitzhugh, (850)921-3209, e-mail: cynthia.fitzhugh@awi.state.fl.us

The State of Florida **Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: November 14-15, 2005, 8:30 a.m.

PLACE: Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, or by telephoning (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing.

If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at (800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

The **Florida Small & Minority Business Advisory Council** Meeting:

DATE AND TIME: November 17, 2005, 9:00 a.m.

PLACE: Orange County Convention Center, Hall F – Room 331, Orlando, Florida

Contact: Denise Wright (850)922-6850

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Department of Business and Professional Regulation** announces a telephone conference meeting of the Florida **Board of Cosmetology** to which all persons are invited to participate.

DATE AND TIME: Monday, November 21, 2005, 9:00 a.m.

PLACE: By telephone conference call. The number to dial to connect to the telephone conference call is (for Tallahassee) (850)413-9245, (toll free) (877)651-3473 or suncom 293-9245

PURPOSE: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing: Florida Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of



Critical State Concern at (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached at (800)955-8770 (voice) and (800)955-8771 (TDD).

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The Florida **Board of Pilot Commissioners** announces a Rules Workshop, to which all persons are invited to attend.

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

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss possible changes and/or amendments to Title 61G14, F.A.C.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office at (850)922-6096 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 which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

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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: Wednesday, November 9, 2005, 2:00 p.m. until conclusion of meeting

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

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 the 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 at (850)521-0500.

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The **Florida Engineers Management Corporation** announces a public meeting, to which all persons are invited:

DATE AND TIME: Tuesday, December 6, 2005, 1:00 p.m. until conclusion of meeting

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the 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 a decision made by the Corporation 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 at (850)521-0500.

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The **Board of Professional Surveyors and Mappers** announces a General Business meeting, by way of a telephone conference call. All interested parties are invited to attend at the address listed below.

DATE AND TIME: December 14, 2005, 10:00 a.m.

PLACE: Meet-Me-Number (850)414.1707 or Suncom 994-1707

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

A copy of the agenda may be obtained by writing to John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756 or by calling (850)487-1395.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which

the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771.

Persons requiring special accommodations due to disability or physical impairment should contact John Knap by Friday, December 9, 2005.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Monday, November 14, 2005, 4:00 p.m. or the soonest thereafter. Portions of the probable cause proceedings are not open to the public.

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate at (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.) at least five calendar days prior to the meeting.

If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The **Florida Real Estate Commission (FREC)** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, November 15, 2005, 8:30 a.m.; meeting will reconvene on Wednesday, November 16, 2005, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation at (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, (800)955-8770 (Voice) and (800)955-8771 (TDD).

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

#### DEPARTMENT OF HEALTH

The **Correctional Medical Authority** announces a meeting to be held in Tallahassee, Florida, to which all persons are invited:

DATE AND TIME: November 17, 2005, 12:00 p.m. – 4:00 p.m.

TELEPHONE NUMBER: (Toll Free) (800)416-4132, (Local) (850)922-7892, (Suncom) 292-7892

PLACE: Correctional Medical Authority Conference Room, 1632 Metropolitan Circle, Tallahassee, Florida 32308, (850)410-1450

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 B-04, Tallahassee, FL 32399-1732, (850)410-1450.

Pursuant to Section 286.26, Florida Statutes, 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.

The Florida **Board of Medicine's**, Probable Cause Panel (North), announces a telephone conference call to be held via meet me number

DATE AND TIME: November 18, 2005, 2:00 p.m.

PLACE: Meet Me Number: (850)922-2903, Suncom Number: 292-2903, Toll Free Number: 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 322317-4229; Telephone (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, Board of Medicine's** Dietetic and Nutrition Practice Council, announces a General Business Meeting via conference call to which all persons are invited.

DATE AND TIME: November 18, 2005, 9:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

The toll free meet me number is (800)416-4254 or suncom 292-2903 or non-suncom (850)922-2903.

A copy of the agenda may be obtained by writing: Department of Health, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the council office at (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the council office at (850)245-4373. If you are hearing or speech impaired, please contact the department by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

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

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The **Department of Health, Board of Pharmacy**, Probable Cause Panel announces a public meeting to which all persons are invited.

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

PLACE: (850)921-6455

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Panel will meet for reconsideration of disciplinary cases where probable cause was found.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Garnet Keller, Program Administrator, Board of Pharmacy, 4052 Bald Cypress Way, BIN C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614 at least five calendar days prior to the meeting.

If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he 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.

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The **Department of Health, Board of Pharmacy**, Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: November 18, 2005, 10:00 a.m.

PLACE: (850)414-5775 or (888)461-8118

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Panel will meet for reconsideration of disciplinary cases where probable cause was found.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Garnet Keller, Program Administrator, Board of Pharmacy, 4052 Bald Cypress Way, BIN C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614 at least five calendar days prior to the meeting.

If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he 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.

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**DEPARTMENT OF FINANCIAL SERVICES**

The **Department of Financial Services** announces two meetings of the Task Force on Long-Term Solutions for Florida's Hurricane Insurance Market to which all interested persons are invited.

DATE AND TIME: November 14, 2005, 9:00 a.m. – 3:00 p.m.

PLACE: Specific location to be determined. Check Task Force website for specific location information: [www.fldfs.com/HurricaneInsuranceTaskForce/](http://www.fldfs.com/HurricaneInsuranceTaskForce/)

DATE AND TIME: November 30, 2005, 10:00 a.m. – 5:00 p.m.

PLACE: Room 110 Senate Office Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentations and Task Force Discussion regarding Rate Review Processes, Solvency and Capacity, Disaster Resistant Construction, Public Testimony, and general business of the Task Force.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Patty Cromartie, (850)413-2866 or Robbie Simpson, (850)413-2963, at least five calendar days prior to the meeting. A copy of the agenda may be viewed at [www.fldfs.com/HurricaneInsuranceTaskForce/](http://www.fldfs.com/HurricaneInsuranceTaskForce/) or obtained by contacting Patty Cromartie, (850)413-2866 or Robbie Simpson, (850)413-2963.

**FINANCIAL SERVICES COMMISSION**

NOTICE OF RESCHEDULING – The **Financial Services Commission, Office of Insurance Regulation** announces the final hearing for Rule 69N-121.003, F.A.C., “Organizational Structure of the Office” and the final hearing for Rules 69O-149.0025, 69O-149.003, F.A.C., “Definitions” and “Rate Filing Procedures”, which was originally scheduled for October 25, 2005, 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida, has been rescheduled as follows:

DATE AND TIME: November 8, 2005, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: November 22, 2005, during a regular meeting of the Financial Services Commission at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 69O-149.022, Florida Administrative Code, published on

April 29, 2005, in Vol. 31, No. 17, of the Florida Administrative Weekly. A notice of change was published on August 19, 2005, in Vol. 31, No. 33.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Frank Dino at E-mail [frank.dino@fldfs.com](mailto:frank.dino@fldfs.com).

THE FULL TEXT OF THE PROPOSED RULE IS:

**FILING OF FORMS AND RATES FOR  
LIFE/HEALTH INSURANCE**

Part I Filing of Rates for Health Insurance

69O-149.022 Forms Adopted.

(1) The forms adopted in subsection (2), below, shall be used, as applicable, by insurers making form filings for life and accident insurance, annuities, and health insurance. All the forms in subsection (2), below, are hereby adopted and incorporated by reference. All forms ~~may be obtained from the Document Processing Section, Division of Administration, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0311. Forms are also available and may be printed from the Office's website: [www.fldfs.state.fl.us](http://www.fldfs.state.fl.us). All forms may be reproduced at will.~~

(2)(a) Form OIR-B2-1507, “Office of Insurance Regulation, Life and Health Forms and Rates Universal Standardized Data Letter”, ~~Rev. 9/04~~ 9/02.

(b) Form OIR-B2-1507 A, “Office of Insurance Regulation, Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet”, ~~Rev. 9/04~~ 9/02.

(c) Health Checklists.

1. OIR-B2-1616, “Blanket Application Checklist”, Rev. 1/05. Form OIR-B2-520, “Florida Individual Health Application Checklist,” rev. 4/01.

2. OIR-B2-535, “Blanket Health Contract Checklist”, Rev. 1/04.

3. OIR-B2-527, “Debtor Group Application Checklist”, Rev. 1/04.

4. OIR-B2-529, “Debtor Group Contract Checklist”, Rev. 1/04.

5. OIR-B2-528, “Florida Additional Information Checklist for Debtor Group”, Rev. 08/03.

6. OIR-B2-1607, “Discount Medical Plan Organization (DMPO) Contract and Application Checklist”, 09/04.

7. OIR-B2-539, “Excess-Specific and Aggregate Checklist”, Rev. 1/04.

8. OIR-B2-540, “Informational Memorandum Checklist – Florida Excess Specific and Aggregate – F.S. 624.406”, Rev. 1/04.

9. OIR-B2-1356, “Florida HMO Contract Checklist”, Rev. 1/04.

10. OIR-B2-1617, "Florida HMO Individual Application Checklist", 1/05.
  11. OIR-B2-1618, "Florida HMO Master Group Application Checklist", 1/05.
  12. OIR-B2-536, "Franchise Health Application Checklist", Rev. 1/04.
  13. OIR-B2-538, "Franchise Health Contract Checklist", Rev. 1/04.
  14. OIR-B2-537, "Franchise Health Outline of Coverage Checklist", Rev. 1/04.
  15. OIR-B2-525, "Group Health Application Checklist – Employers, Labor Unions, Association Groups and Additional Groups", Rev. 1/04.
  16. OIR-B2-526, "Group Health Contract Checklist – Employers, Labor Unions, Association Groups and Additional Groups", Rev. 1/04.
  17. OIR-B2-520, "Individual Health Application Checklist", Rev. 1/04.
  18. OIR-B2-523, "Individual Health Contract Checklist", Rev. 1/04.
  19. OIR-B2-521, "individual Health Outline of Coverage Checklist", Rev. 1/04.
  20. OIR-B2-1619, "Long Term Care Advertisement Checklist", 1/05.
  21. OIR-B2-541, "Long Term Care Application Checklist", Rev. 1/04.
  22. OIR-B2-543, "Long Term Care Contract Checklist", Rev. 1/04.
  23. OIR-B2-542, "Long Term Care Outline of Coverage Checklist", Rev. 1/04.
  24. OIR-B2-1620, "Medicare Supplement Advertisement Checklist", 1/05.
  25. OIR-B2-1354, "Medicare Supplement Application Checklist", Rev. 1/04.
  26. OIR-B2-1355, "Medicare Supplement Contract Checklist", Rev. 1/04.
  27. OIR-B2-1621, "Medicare Supplement Outline of Coverage", 1/05.
  28. OIR-B2-524, "Out-of-State Group Health Checklist", Rev. 1/04.
  29. OIR-B2-1353, "Pre-Paid Limited Benefit Contract Checklist", Rev. 1/04.
  30. OIR-B2-1359, "Pre-Paid Limited Benefit Conversion Application Checklist", Rev. 1/04.
  31. OIR-B2-1358, "Pre-Paid Limited Benefit Group Application Checklist", Rev. 1/04.
  32. OIR-B2-1360, "Pre-Paid Limited Benefit Individual Application Checklist", Rev. 1/04.
  33. OIR-B2-1622, "Small Group Advertisement Checklist", 1/05.
  34. OIR-B2-1357, "Florida Small Group Health Checklist For Indemnity Plans Other Than Standard and Basic", Rev. 1/04.
- (d) Life Checklists.
1. OIR-B2-1624, "Credit Disability Policy Checklist", 1/05. (d) Form OIR-B2-521, "Florida Individual Health Contract Outline of Coverage Checklist, rev. 4/91.
  2. OIR-B2-1625, "Credit Life or Disability Application Checklist", 1/05.
  3. OIR-B2-1626, "Credit Life Policy Checklist", 1/05.
  4. OIR-B2-1367, "Endorsements, Amendments & Riders Checklist", Rev. 1/04.
  5. OIR-B2-1627, "Group Annuity Enrollment Application Checklist", 1/05.
  6. OIR-B2-1628, "Group Life Enrollment Application Checklist", 1/05.
  7. OIR-B2-1363, "Group Non-Variable Annuity Contract Checklist", Rev. 1/04.
  8. OIR-B2-1349, "Group Non-Variable Annuity Enrollment Application Checklist", Rev. 1/04.
  9. OIR-B2-1488, "Group Term Life Policy Checklist", Rev. 1/04.
  10. OIR-B2-1345, "Group Universal Life Policy Checklist", Rev. 1/04.
  11. OIR-B2-1365, "Group Variable Annuity Contract Checklist", Rev. 1/04.
  12. OIR-B2-1342, "Group Variable Annuity Enrollment Application Checklist", Rev. 1/04.
  13. OIR-B2-1629, "Group Variable Life Enrollment Application Checklist", 1/05.
  14. OIR-B2-1489, "Group Variable Life Policy Checklist", Rev. 1/04.
  15. OIR-B2-1490, "Group Whole Life Policy Checklist", Rev. 1/04.
  16. OIR-B2-1630, "Individual Fraternal Life Application Checklist", 1/05.
  17. OIR-B2-1631, "Individual Fraternal Non-Variable Annuity Application Checklist", 1/05.
  18. OIR-B2-1632, "Individual Fraternal Non-Variable Annuity Contract Checklist", 1/05.
  19. OIR-B2-1382, "Individual Fraternal Term Life Policy Checklist", Rev. 1/04.
  20. OIR-B2-1491, "Individual Fraternal Universal Life Policy Checklist", Rev. 1/05.
  21. OIR-B2-1633, "Individual Fraternal Variable Annuity Application Checklist", 1/05.
  22. OIR-B2-1634, "Individual Fraternal Variable Annuity Contract Checklist", 1/05.
  23. OIR-B2-1635, "Individual Fraternal Variable Life Application Checklist", 1/05.

24. OIR-B2-1636, "Individual Fraternal Variable Life Policy Checklist", 1/05.
25. OIR-B2-1314, "Individual Fraternal Whole Life Policy Checklist", Rev. 1/04.
26. OIR-B2-1346, "Individual Life Application Checklist", Rev. 1/04.
27. OIR-B2-1637, "Individual Non-Variable Annuity Application Checklist", 1/05.
28. OIR-B2-1352, "Individual Non-Variable Annuity Contract Checklist", Rev. 1/04.
29. OIR-B2-1493, "Individual Term Life Policy Checklist", Rev. 1/04.
30. OIR-B2-1494, "Individual Universal Life Policy Checklist", Rev. 1/04.
31. OIR-B2-1348, "Individual Variable Annuity Application Checklist", Rev. 1/04.
32. OIR-B2-1364, "Individual Variable Annuity Contract Checklist", Rev. 1/04.
33. OIR-B2-1638, "Individual Variable Life Application Checklist", 1/05.
34. OIR-B2-1384, "Individual Variable Life Policy Checklist", Rev. 1/04.
35. OIR-B2-1496, "Individual Whole Life Policy Checklist", Rev. 1/04.
36. OIR-B2-1350, "Master Group Application Checklist", Rev. 1/04.
37. OIR-B2-1639, "Out-of-State Group Life Enrollment Application Checklist", 1/05.
38. OIR-B2-1640, "Out-of-State Group Non-Variable Annuity Contract Checklist", 1/05.
39. OIR-B2-1641, "Out-of-State Group Non-Variable Annuity Enrollment Application Checklist", 1/05.
40. OIR-B2-1328, "Out-of-State Group Term Life Policy Checklist", Rev. 1/05.
41. OIR-B2-1330, "Out-of-State Group Universal Life Policy Checklist", Rev. 1/05.
42. OIR-B2-1642, "Out-of-State Group Variable Annuity Contract Checklist", 1/05.
43. OIR-B2-1644, "Out-of-State Group Variable Annuity Enrollment Application Checklist", 1/05.
44. OIR-B2-1643, "Out-of-State Group Variable Life Enrollment Application Checklist", 1/05.
45. OIR-B2-1343, "Out-of-State Group Variable Life Policy Checklist", Rev. 1/05.
46. OIR-B2-1329, "Out-of-State Group Whole Life Policy Checklist", Rev. 1/05.
47. OIR-B2-1646, "Viatical Contract Checklist", 3/05.
48. OIR-B2-1647, "Viatical Settlement Escrow Form Checklist", 3/05.
49. OIR-B2-1648, "Viatical Settlement Purchase Agreement Checklist", 3/05.
50. OIR-B2-1649, "Viatical Settlement Related Form Checklist", 3/05.
- ~~(e) Form OIR B2 523, "Florida Individual Health Contract Checklist," rev. 4/91.~~
- ~~(f) Form OIR B2 524, "Florida Out-of-State Group Health Checklist," rev. 4/91.~~
- ~~(g) Form OIR B2 525, "Florida Group Health Application Checklist for Employees, Labor Union and Association Groups," rev. 4/91.~~
- ~~(h) Form OIR B2 526, "Florida Group Health Checklist for Employees, Labor Unions and Association Groups," rev. 4/91.~~
- ~~(i) Form OIR B2 527, "Florida Health Application Checklist for Debtor Groups," rev. 4/91.~~
- ~~(j) Form OIR B2 528, "Florida Additional Information Checklist for Debtor Groups," rev. 4/91.~~
- ~~(k) Form OIR B2 529, "Florida Group Health Contract Checklist for Debtor Groups," rev. 4/91.~~
- ~~(l) Form OIR B2 535, "Checklist for Blanket Health Contracts/Section 627.659, F.S.," rev. 4/91.~~
- ~~(m) Form OIR B2 536, "Florida Franchise Health Application Checklist," rev. 4/91.~~
- ~~(n) Form OIR B2 537, "Florida Franchise Health Contract Outline of Coverage Checklist," rev. 4/91.~~
- ~~(o) Form OIR B2 538, "Florida Franchise Health Contract Checklist," rev. 4/91.~~
- ~~(p) Form OIR B2 539, "Florida Excess Specific and Aggregate Checklist/Section 624.406, F.S.," rev. 4/91.~~
- ~~(q) Form OIR B2 540, "Informational Memorandum Checklist/Florida Excess Specific and Aggregate/Section 624.406, F.S.," rev. 4/91.~~
- ~~(r) Form OIR B2 541, "Florida Health Application Checklist for Long Term Care Groups," rev. 4/91.~~
- ~~(s) Form OIR B2 542, "Florida Long Term Care Checklist/Outline of Coverage," rev. 4/91.~~
- ~~(t) Form OIR B2 1353, "Florida Pre Paid Limited Health Services Contract Checklist," 7/00.~~
- ~~(u) Form OIR B2 1354, "Florida Individual Medicare Supplement Health Application Checklist," 7/00.~~
- ~~(v) Form OIR B2 1355, "Florida Medicare Supplement Contract Checklist," 7/00.~~
- ~~(w) Form OIR B2 1356, "Florida HMO Contract Checklist (Includes Individual, Large, And Small Group)," 7/00.~~
- ~~(x) Form OIR B2 1357, "Florida Small Group Health Checklist For Indemnity Plans Other Than Standard And Basic," 7/00.~~
- ~~(y) Form OIR B2 1358, "Florida Pre Paid Limited Health Services Group Application," 7/00.~~
- ~~(z) Form OIR B2 1359, "Florida Pre Paid Limited Health Services Conversion Application," 7/00.~~

~~(aa) Form OIR-B2-1360, "Florida Pre-Paid Limited Health Services Individual Application," 7/00.~~

~~(bb) Form OIR B2 1314, "Individual Fraternal Whole Life," 7/00.~~

~~(cc) Form OIR-B2-1328, "Out-of-State Group Term Life," 7/00.~~

~~(dd) Form OIR-B2-1329, "Out-of-State Group Whole Life," 7/00.~~

~~(ee) Form OIR B2 1330, "Out of State Group Universal Life," 7/00.~~

~~(ff) Form OIR-B2-1342, "Group Enrollment Application Variable Annuity," 7/00.~~

~~(gg) Form OIR-B2-1343, "Out-of-State Group Variable Life," 7/00.~~

~~(hh) Form OIR B2 1345, "Group Universal Life," 7/00.~~

~~(ii) Form OIR-B2-1346, "Individual Life Application," 7/00.~~

~~(jj) Form OIR-B2-1347, "Individual Fixed Annuity Life Application," 7/00.~~

~~(kk) Form OIR B2 1348, "Individual Variable Annuity Application," 7/00.~~

~~(ll) Form OIR-B2-1349, "Group Enrollment Application (non variable annuity)," 7/00.~~

~~(mm) Form OIR-B2-1350, "Master Group Application," 7/00.~~

~~(nn) Form OIR B2 1351, "Industrial Life Policy," 7/00.~~

~~(oo) Form OIR-B2-1352, "Individual Non-Variable Annuity Policy," 7/00.~~

~~(pp) Form OIR-B2-1363, "Group Non-Variable Annuity Policy," 7/00.~~

~~(qq) Form OIR B2 1364, "Individual Variable Annuity Policy," 7/00.~~

~~(rr) Form OIR-B2-1365, "Group Variable Annuity Policy," 7/00.~~

~~(ss) Form OIR-B2-1366, "Out-of-State Group Annuity Policy," 7/00.~~

~~(tt) Form OIR-B2-1367, "Endorsement, Amendments, Riders," 7/00.~~

~~(uu) Form OIR-B2-1368, "Accelerated Death Benefit Rider," 7/00.~~

~~(vv) Form OIR-B2-1369, "Credit Life and Disability," 7/00.~~

~~(ww) Form OIR B2 1382, "Individual Fraternal Term Life," 7/00.~~

~~(xx) Form OIR-B2-1383, "Group Fraternal Variable Life," 7/00.~~

~~(yy) Form OIR-B2-1384, "Individual Variable Life," 7/00.~~

~~(zz) Form OIR B2 1485, "Group Fraternal Term Life," 7/00.~~

~~(aaa) Form OIR-B2-1486, "Group Fraternal Whole Life," 7/00.~~

~~(bbb) Form OIR-B2-1487, "Group Fraternal Universal Life," 7/00.~~

~~(ccc) Form OIR B2 1488, "Group Term Life," 7/00.~~

~~(ddd) Form OIR-B2-1489, "Group Variable Life," 7/00.~~

~~(eee) Form OIR-B2-1490, "Group Whole Life," 7/00.~~

~~(fff) Form OIR B2 1491, "Individual Fraternal Universal Life," 7/00.~~

~~(ggg) Form OIR-B2-1492, "Individual Fraternal Variable Life," 7/00.~~

~~(hhh) Form OIR-B2-1493, "Individual Term Life," 7/00.~~

~~(iii) Form OIR B2 1494, "Individual Universal Life," 7/00.~~

~~(jjj) Form OIR-B2-1496, "Individual Whole Life," 7/00.~~

~~(kkk) Form OIR-B2-1607, "Discount Medical Plan Organization (DMPO) Contract and Application Checklist", 09/04.~~

Specific Authority 624.308 FS. Law Implemented 624.424(1)(c), 627.410, 636.216 FS. History--New 10-29-91, Amended 5-15-96, 4-4-02, 5-2-02, 6-19-03, Formerly 4-149.022, Amended \_\_\_\_\_.

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: November 22, 2005, during a regular meeting of the Financial Services Commission, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-149.0055, Florida Administrative Code, published on August 26, 2005, in Vol. 31, No. 34, of the Florida Administrative Weekly. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Frank Dino at E-mail frank.dino@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-149.0055 Healthy Lifestyle Rebate.

(1) ~~Employer~~ Group Coverage.

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

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

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

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

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

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

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

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

(2) Individual Coverage.

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

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

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

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

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

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

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

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

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

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: November 22, 2005, during a regular meeting of the Financial Services Commission, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 69O-191.0545, Florida Administrative Code, published on August 26, 2005, in Vol. 31, No. 34, of the Florida Administrative Weekly. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Frank Dino at E-mail frank.dino@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-191.0545 Healthy Lifestyle Rebate.

(1) ~~Employee~~ Group Coverage is as provided by subsection 69O-149.0055(1), F.A.C.

(2) Individual Coverage.

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

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

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

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

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

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

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



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

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited:

DATE and TIME: November 14, 2005. The first hearing session starts at 12:00 p.m. (noon) and the second hearing session starts at 6:00 p.m.

PLACE: Prime Osborne Convention Center, 1000 Water Street, Jacksonville, Florida 32204; Contact Name and Number: Kristopher Duer, Esquire (850)413-4276 or Sam Coskey (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Select Insurance Company has requested a 19% average statewide rate increase for homeowners insurance in one program and a 32% average statewide rate increase for homeowners insurance in a second program. The requested rate increases were not uniform and some areas are subject to a higher rate increase. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing.

If you are unable to attend this public hearing, please forward your comments to Kristopher Duer at [kristopher.duer@fldfs.com](mailto:kristopher.duer@fldfs.com)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone the Prime Osborne Convention Center at (904)630-4000 at least 48 hours before the hearing.

### FLORIDA LEAGUE OF CITIES

The **Florida Municipal Insurance Trust**, an interlocal entity created pursuant to Sections 768.28 and 163.01, F.S., announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, November 19, 2005, 9:00 a.m.

PLACE: Hyatt Regency Orlando Airport Hotel, 9300 Airport Boulevard, Orlando, Florida, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.

A copy of the proposed agenda may be obtained by contacting Linda Bridges, Florida League of Cities, Inc., Tallahassee, FL, (850)222-9684.

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

The **Florida Municipal Pension Trust Fund** announces a public meeting to which all persons are invited:

DATE AND TIME: Friday, November 18, 2005, 12:00 noon  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Pension Trust Fund to discuss general business of the Trust.

A joint meeting of the Florida Municipal Pension Trust Fund and the Florida Municipal Investment Trust will also be held:

DATE AND TIME: November 18, 2005, 1:30 p.m.

PLACE: Hyatt Hotel, Orlando Airport, Orlando, Florida League of Cities

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive reports from investment manager and performance monitor.

A copy of the meeting agenda may be obtained by contacting Jeannie Garner, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, (800)616-1513, ext. 277.

The **Florida Municipal Investment Trust (FMIVT)** announces a public meeting to which all persons are invited:

DATE AND TIME: Friday, November 18, 2005, 2:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Investment Trust (FMIVT) to discuss general business of the Trust.

A joint meeting of the Florida Municipal Pension Trust Fund and the Florida Municipal Investment Trust will also be held:

DATE AND TIME: November 18, 2005, 1:30 p.m.

PLACE: Hyatt Hotel, Orlando Airport, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive reports from investment manager and performance monitor.

A copy of the meeting agenda may be obtained by contacting: Jeannie Garner, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, (800)616-1513, ext. 277.

### FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC. (FWCJUA)

The **FWCJUA** announces a Safety Committee teleconference meeting to which all interested parties are invited to attend.

DATE AND TIME: November 14, 2005, 2:00 p.m.

PLACE: To participate in the teleconference meeting, please dial (888)632-5950, November 14, 2005, 2:00 p.m., and ask to be connected to the Laura Torrence conference call.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FWCJUA Safety Committee agenda topics will include but will not be limited to approval of the minutes; loss control performance standard modifications; loss analysis; and TOSSS initiative implementation.

A copy of the agenda may be obtained from the FWCJUA's website, [www.fwcjua.com](http://www.fwcjua.com) or by contacting Michael Cleary, Program Manager, (941)378-7404.

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**TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY**

The **Technological Research and Development Authority** (TRDA) announces a general meeting of its Board of Directors and Strategic Planning Retreat to which all persons are invited to participate.

DATE AND TIME: November 16, 2005, 1:00 p.m.

PLACE: TRDA – Conference Room, 5195 South Washington Avenue, Titusville, FL 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by contacting: Dave Kershaw, TRDA Deputy Director, (321)269-6330, ext. 243 or [dkershaw@trda.org](mailto:dkershaw@trda.org).

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**H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC**

The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 15, 2005, 1:30 p.m.

PLACE: Stabile Trustees Board Room, 12902 Magnolia Drive, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.

A copy of the agenda may be obtained by writing: Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-COO, Tampa, FL 33612.

Persons requiring special accommodations due to disability or physical impairment should contact: Ms. Payne by November 11, 2005.

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The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 16, 2005, 1:30 p.m.

PLACE: SRB Trustee Board Room, 12902 Magnolia Drive, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Joint Finance and Planning Committee of the Board of Directors.

A copy of the agenda may be obtained by writing to: Ms. Barbara Sawyer, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612

Persons requiring special accommodations due to disability or physical impairment should contact: Ms. Barbara Sawyer by Friday, November 11, 2005.

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**FLORIDA SELF-INSURERS GUARANTY ASSOCIATION**

The **Florida Self-Insurers Guaranty Association, Inc.** announces a telephone conference meeting of the Finance Committee of its Board of Directors. All interested persons are invited to attend.

DATE AND TIME: Wednesday, November 16, 2005, 1:00 p.m.

PLACE: 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Brian Gee, Executive Director, (850)222-1882.

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The **Florida Self-Insurers Guaranty Association, Inc.** announces a telephone conference meeting of the Claims Committee of its Board of Directors. All interested persons are invited to attend.

DATE AND TIME: Wednesday, November 16, 2005, 2:00 p.m.

PLACE: 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business. Information on the meeting may be obtained by contacting: Brian Gee, Executive Director, (850)222-1882.

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**CITIZENS PROPERTY INSURANCE CORPORATION**

The **Citizens Property Insurance Corporation** announces an Investment Committee Meeting to be held:

DATE AND TIME: Wednesday, November 16, 2005, 3:30 p.m. – 5:30 p.m. (EDT)

PLACE: The Citizens Building, 6676 Corporate Center Parkway, Jacksonville, Florida 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, Investment Performance and Compliance and the Investment Policy Review and Proposed Changes.

For additional information, please call (800)807-7647, extension 3744.

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**FLORIDA SPORTS FOUNDATION**

The **Florida Sports Foundation** announces its quarterly Board of Directors Meeting to which all persons are invited.

DATE AND TIME: Friday, December 9, 2005, 8:30 a.m. – 4:00 p.m.

PLACE: Marriott Orlando Airport, Orlando International Airport, 7499 Augusta National Drive, Orlando, FL 32822

Please make note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

For additional information, please contact the Florida Sports Foundation Administrative Coordinator at (850)488-8347.

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### **FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION**

The **Florida Medical Malpractice Joint Underwriting Association** announces a Claims and Underwriting Committee meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 15, 2005, 4:00 p.m.

PLACE: Hyatt Regency Orlando International Airport, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier, and such other business properly brought before the Committee.

A copy of the Agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308

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The **Florida Medical Malpractice Joint Underwriting Association** announces a Board of Governors meeting to which all persons are invited.

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

PLACE: Hyatt Regency Orlando International Airport, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, General Manager, and such other business properly brought before the Board.

A copy of the Agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

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### **TREASURE COAST EDUCATION, RESEARCH AND DEVELOPMENT AUTHORITY**

The **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all interested persons are invited:

DATE AND TIME: Tuesday, November 8, 2005, 2:00 p.m.

PLACE: Florida Atlantic University, 500 NW California Blvd., Room JU 324/319, Port St. Lucie, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Director job description and recruitment, utilities requirements, Intermodal Transportation Report, Five Year Plan, architectural design, business recruitment, zoning overlay, land lease transfer status, 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, at (772)370-7425, or Jane Bachelor, Secretary, at (772)468-3922, ext. 151. Anyone with a disability requiring accommodation to attend this meeting should contact Gerri McPherson, FAU Treasure Coast Campus Vice President, at (772)873-3336, at least forty-eight (48) hours prior to the meeting.

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The **Joint Administrative Procedures Committee** announces a public meeting of the Committee.

DATE AND TIME: Monday, November 7, 2005, 3:15 p.m. – 5:00 p.m.

PLACE: The Jerry Thomas Committee Room, 301 Capitol, Tallahassee, Florida

A copy of the agenda will be available from the Committee as soon as it is prepared.

Contact Sherrie DeBoer, Committee Secretary, (850)488-9110.

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## **Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements**

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

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

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### **PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received the Petition for Declaratory Statement of KW Resort Utilities Corp. The petitioner inquires as to whether it is entitled to collect certain service availability charges from Roy's Trailer Park, Inc., as provided for in its current Commission-approved tariff, or whether it must accept amortized payment of same. A copy of the petition may be obtained at <http://www.psc.state.fl.us/psc/dockets/> or by

writing to the Division of the Commission Clerk and Administrative Services, 4075 Esplanade Way, Tallahassee, FL 32399-0862. DOCKET NO. 050694-SU.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Construction Industry Licensing Board hereby gives notice that it has received an Amended Petition for Declaratory Statement, which was filed by the Deputy Clerk on October 18, 2005, and submitted by Deborah S. Platz, Esq., counsel for Evap Tech, Inc. (“Petitioner”). Petitioner seeks the Board’s interpretation of Chapter 489, Florida Statutes, with regards to licensing requirements for the installation and repair of its proprietary water cooling tower designs. The Board will consider the Petition at its meeting to be held on November 11, 2005, in Cocoa Beach, Florida 32931.

Copies of the Petition may be obtained by writing: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039.

The Florida Real Estate Commission hereby gives notice that it has received a Petition for Declaratory Statement filed on October 12, 2005, by Timothy A. Smith, Esquire, on behalf of Southridge Partners I, a New York Limited Partnership. The petition seeks a determination from the Florida Real Estate Commission on whether the services that the general partner provides in selling the limited partnership’s real property is a service: (1) of real estate that requires a real estate license under Sections 475.01(1)(a) and (2), F.S., for which compensation based on a percentage of the sales price of the real property will constitute a violation of real estate license law in the State of Florida.

Copies of the petition may be obtained from: Lori Crawford, Regulatory Supervisor Consultant, The Florida Real Estate Commission, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Optometry hereby gives notice that it has issued a Final Order on the Petition for Declaratory Statement filed on October 2, 2003 on behalf of Jennifer Loar, O.D. The Notice of Petition for Declaratory Statement was published in Vol. 29, No. 42, of the October 17, 2003, Florida Administrative

Weekly. The petition inquired as to whether or not a Florida-licensed optometrist in private practice may enter into a written lease agreement with a corporation which provides for rent to be based on a percentage of revenue from exam fees. The Board of Optometry considered the Petition at its meeting held on April 6, 2005 in Ft. Lauderdale, Florida. The Board’s Final Order, filed on September 19, 2005, determined that the proposed arrangement for the lease contract between the Petitioner and the corporation would violate Rule 64B13-3.008, Florida Administrative Code, which is entitled “Corporate, Lay, and Unlicensed Practice of Optometry Prohibited.”

A copy of the Board’s Order may be obtained by contacting Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

**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 AGRICULTURE AND CONSUMER SERVICES

#### INVITATION TO BID

As a Contractor, you are invited to submit a bid to the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, hereinafter referred to as Owner, for an Electrical System Upgrade at the Kissimmee Diagnostic Laboratory which shall include all labor, equipment, materials necessary to complete the electrical system upgrade as per engineering specifications. The Project Budget is: \$250,000.00.

**PROJECT NAME & LOCATION:** Electrical System Upgrade at the Division of Animal Industry, Kissimmee Diagnostic Laboratory, 2700 N. John Young Parkway, Kissimmee, Florida 34741.

**SOLICITATION DOCUMENT:** The entire solicitation document, including plans and specifications, may be viewed and downloaded from the Vendor Bid System at <http://www.myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number ITB/AI-05/06-58, or by calling the Purchasing Office at (850)487-3727.

**MANDATORY PRE-BID CONFERENCE/SITE VISIT:** Each bidder must, before submitting a bid, attend the mandatory pre-bid conference/site visit. The pre-bid conference/site visit will be held on November 10, 2005, at 10:00 a.m., at the Division of Animal Industry, Kissimmee Diagnostic Laboratory, 2700 N. John Young Parkway, Kissimmee, Florida 34741. During the pre-bid conference a site visit will be held for prospective bidders. It is the bidders' responsibility to consider any and all site conditions or requirements for the project. Plans and engineering specifications will be available at the mandatory pre-bid conference/site visit.

**PUBLIC ENTITY CRIME INFORMATION STATEMENT:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

**DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES:** An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

**PERFORMANCE BOND:** A performance bond in the amount of one-hundred percent (100%) of the base bid price shall be required.

Sealed bids will be received, publicly opened and read aloud on:

**DATE AND TIME:** November 29, 2005, 3:00 p.m.

**PLACE:** Department of Agriculture and Consumer Services, 407 S. Calhoun Street, SB8 Mayo Building, Tallahassee, Florida 32399, (850)487-3727

**CONTRACT AWARD:** The official Notice of Award Recommendation will be by electronic posting at [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

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### DEPARTMENT OF EDUCATION

#### REQUEST FOR PROPOSAL

THE FLORIDA PUBLIC ARCHAEOLOGY NETWORK (FPAN), University of West Florida, has issued a Request for Proposal (RFP) to host a Charter Regional Center of the Network. The RFP is available at [www.flpublicarchaeology.org](http://www.flpublicarchaeology.org). Proposals are due November 18, 2005.

We will be conducting two phases of Regional Center development. This call for proposals is to identify three Charter Regional Centers to begin operations within the first two quarters of 2006. The second phase will be to identify other Regional Centers to come on line during the last two quarters of 2006 and the first two quarters of 2007.

The Florida Public Archaeology Network:

In 2004 the Florida Legislature established and in 2005 provided continuing funding for the Florida Public Archaeology Network (FPAN) through the University of West Florida (UWF). The Network will be administered by the University of West Florida through a memorandum of agreement (MOA) recently developed between UWF and the Florida Division of Historical Resources. In the next several years, regional public archaeology centers will be established

throughout Florida to help stem the rapid deterioration of this state's buried past and to expand public interest in archaeology. This will be achieved by a robust program of public education, through the promotion and development of archaeology-based heritage tourism, by active involvement of the public through volunteerism, and through education and outreach to local government officials, land managers, and others whose actions affect the archaeological record.

Three Charter Regional Centers will be selected by the FPAN Steering Committee/Board from proposals received from institutions or organizations willing to provide, at no cost, space for the center. In exchange, the host institution will receive an annual grant from the University of West Florida to provide for professional staff and operation of the center.

For more information contact: William B. Lees, Director, Florida Public Archaeology Network, University of West Florida: Email: [wlees@uwf.edu](mailto:wlees@uwf.edu); Telephone: (850)595-0051.

**CALL FOR BIDS**

The University of West Florida Board of Trustees is soliciting sealed bids for the following:

Bldg. 77/78 Roof Replacement

A Mandatory Pre-Solicitation Conference will be held on November 29, 2005, 2:00 p.m. CST in Bldg. 92, Training Room, 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 December 13, 2005, 2:00 p.m. 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-07/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 Department of Procurement and Contracts' website at <http://uwf.edu/procurement>.

A CD containing plans and specifications may be obtained from the department of procurement and contracts at the University of West Florida. Contact Elaine Smith at [etsmith@uwf.edu](mailto:etsmith@uwf.edu) or (850)474-2627 to arrange pick up.

**PUBLIC ANNOUNCEMENT OF A/E  
SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NUMBER: FSDB 20060004

PROJECT NAME: Hogel Maintenance Building Renovations

1. Akel Logan Shafer Architects / Planners
2. Ebert Norman Brady Architects
3. Harvard Jolly, Inc.

**PUBLIC ANNOUNCEMENT OF A/E  
SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NUMBER: FSDB 20060005

PROJECT NAME: James Hall Renovations

1. Akel Logan Shafer Architects / Planners
2. Ebert Norman Brady Architects
3. Cannon Design
4. JSA Architects, Inc.

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

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

**REGIONAL PLANNING COUNCILS**

\*\*\* FIRST NOTICE \*\*\*\*

REQUEST FOR PROPOSALS

"Historic Coastal Charlotte Harbor  
Benthic Habitat Map"

**CHARLOTTE HARBOR NATIONAL ESTUARY  
PROGRAM**

Proposals for this service must be received by the Charlotte Harbor National Estuary Program, 1926 Victoria Avenue, Fort Myers, FL 33901, by 5:00 p.m. (local time), Monday, December 5, 2005. The Charlotte Harbor National Estuary Program (NEP) reserves the right to reject any or all proposals. SCOPE OF SERVICE: One of the priority goals of the Charlotte Harbor NEP is for the region to maintain, restore and/or enhance submerged aquatic vegetation, inter-tidal unvegetated, saltwater marsh, mangrove, oyster, freshwater wetland and native upland habitats to a total extent and quality no less than caused by natural variation. The Charlotte Harbor NEP is interested in mapping historic coastal benthic habitat extent in a manner consistent and comparable with methods

used to produce the seagrass maps produced by the South and Southwest Florida Water Management Districts in 1999 and subsequent years. Charlotte Harbor NEP staff will use the resulting Arc/INFO coverage(s) to compare historic seagrass, oyster and intertidal unvegetated habitats with current benthic data (i.e. WMDs' seagrass maps) to determine if the region is meeting the NEP goals.

The Charlotte Harbor NEP hereby solicits offers for the professional services of qualified respondents for the production of a spatially and thematically accurate Arc/INFO coverage of coastal Charlotte Harbor benthic habitat using historic aerial photography. Respondents will be responsible for locating consistent historic (e.g. 1940-1950s era) aerial photography for the project area and scanning, geo-referencing/ortho-rectifying and photointerpreting the images to produce a database of historical seagrass, oyster bar and intertidal unvegetated habitats at a minimum. The resulting GIS Arc/INFO coverage(s) and imagery will need to meet National Standard for Spatial Data Accuracy (NSSDA) for 1:12,000 or, at a minimum, 1:24,000 data. A Florida Professional Surveyor/Mapper shall be involved as required by state law regarding photogrammetry and survey components of this project.

**INVITATION TO PROPOSE:** The program hereby solicits proposals for the project "Historic Coastal Charlotte Harbor Benthic Habitat Map." The Program anticipates awarding only one contract. The Program reserves the right to reject any or all proposals. Awards will be made to respondents whose proposals are deemed by the Program to be most beneficial, all factors considered.

**REQUEST FOR PROPOSALS (RFP) INFORMATION AND INSTRUCTION:** All requests for information, instructions and applications for submitting a proposal must be submitted in writing to Ms. Catherine Corbett, Senior Scientist, Charlotte Harbor National Estuary Program, 1926 Victoria Avenue, Fort Myers, FL 33901, fax: (239)338-2560 or email: ccorbett@swfrpc.org. All requests for clarification or for additional information on the RFP must be submitted in writing to same by no later than 5:00 p.m., Friday, November 18, 2005.

**HOW TO APPLY:** A Request for Proposals document may be obtained by contacting, in writing, Ms. Catherine Corbett, Charlotte Harbor National Estuary Program, 1926 Victoria Avenue, Fort Myers, FL 33901, fax: (239)338-2560 or email: ccorbett@swfrpc.org. All requests for clarification or additional information on the RFP must be submitted in writing to same by no later than 5:00 p.m., Friday, November 18, 2005. Proposals must then be received by the Charlotte

Harbor National Estuary Program, 1926 Victoria Avenue, Fort Myers, FL 33901 by 5:00 p.m. (local time), Monday, December 5, 2005.

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## DEPARTMENT OF MANAGEMENT SERVICES

### DIVISION OF FACILITIES MANAGEMENT AND BUILDING CONSTRUCTION PUBLIC ANNOUNCEMENT FOR CONSTRUCTION CONTRACTORS TO PROVIDE CONSTRUCTION MANAGEMENT AT RISK SERVICES (Posted to FAW)

**REQUEST FOR QUALIFICATIONS (RFQ):** The Department of Management Services, Division of Facilities Management and Building Construction, request qualifications for licensed general contractors, to submit for Construction Management at Risk services on the following project:

**PROJECT NUMBER:** DOE-24027010, Site Plan Modifications, Additions, Remodeling, and Renovations for Campus Facilities, Daytona Beach Blind Services Campus, Daytona Beach, Florida. The Estimated Construction Cost is expected to exceed \$6,500,000.00, (Full funding contingent upon appropriation by the Legislature).

The award will be made in accordance with Section 287.055, F.S., and the procedures and criteria of the Department of Management Services.

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Facilities Management and Building Construction." **HYPERLINK** "[http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu)"

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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

### PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES

**PROJECT NUMBER:** DOH #70423100

**PROJECT NAME:** GULF COUNTY HEALTH  
DEPARTMENT  
– WEWAHITCHKA, FL.  
NEW CONSTRUCTION

**ACCOUNT CODE:** 4-30-1-000319-64200700-00-084093-05

**PROJECT LOCATION:** WEWAHITCHKA, 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 (at risk) for this project. The construction budget for this project is approximately \$1.6 Million. The project consists of a one story structure containing approximately 12,000 gross square feet. The architect for this project is Barnett Fronczak Architects, Tallahassee, Florida.

Applicant must be a licensed general contractor in the State of Florida at the time of application. 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. (copies 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: Tuesday, November 22, 2005, 4:00 p.m. local time

Applications are to be sent to: David Lee Nelson, Senior Architect, Project Director, Florida Department of Health, 4052 Bald Cypress Way, Bin B06, Tallahassee, FL 32399-1734, Telephone (850)245-4444 ext. 3164.

All proposal 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, Florida Administrative Code and Section 287.055, F.S. The Department of Health shall shortlist a minimum of three (3) firms.

#### CITY OF FORT LAUDERDALE

##### NOTICE TO CONTRACTORS

Sealed bids will be received until 2:00 p.m., Wednesday, November 30, 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 11021 – WASTEWATER CONVEYANCE SYSTEM LONG-TERM REMEDIATION PROGRAM PROJECT 6 – BASIN B-11.

The work includes: The rehabilitation of mainline sewers and laterals identified in the contract documents by using the cured-in-place pipe method for the sewer pipes. The work includes pre and post television survey, flow monitoring, flow bypass, traffic control, site restoration, and related operations resulting in complete and satisfactory rehabilitation of the wastewater collection system piping in Sewer Basin B-11.

A pre-bid meeting will be held at 3:00 p.m., Monday, November 14, 2005 at the Program Management Team Office, 200 North Andrews Avenue, Suite 300 (third floor), Fort Lauderdale, Florida. The pre-bid meeting is recommended but not mandatory.

Bidding blanks may be obtained at the Office of the City Engineer. Specifications are on file in the Office of the City Engineer.

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 Supplementary Conditions contained in these documents and in particular the requirements of Article 20, Equal Employment Opportunity.

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 5% of the amount bid, made payable to the City of Fort Lauderdale, Florida, shall accompany each proposal.

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 at (954)828-5688. For general inquiries please call (954)828-5772.



**GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY**

**NOTICE OF DESIGN-BUILD SERVICES REQUIRED  
REQUEST PREQUALIFICATION LETTERS OF INTEREST  
FROM QUALIFIED FIRMS**

**PROJECT #06-002 – JET AIRCRAFT SERVICE CENTER  
GAINESVILLE-ALACHUA COUNTY REGIONAL  
AIRPORT AUTHORITY**

Prequalification Letters of Interest are requested from design-build firms (“Proposers”) for the design and construction of a jet aircraft maintenance hangar, also known as ECLIPSE AVIATION FACTORY SERVICE CENTER (the “Project”), at the Gainesville Regional Airport.

The proposed facility will include design and construction of hangar, shop and office space totaling approximately 61,200 sf. and construction of approximately 12,000 sq. yds. of aircraft apron and connecting taxiways, 75 paved automobile parking spaces and relocation of an existing hangar access road.

The Project will be designed and constructed in accordance with the design-build package provided by GACRAA. The design-build package will contain a 30% design for the building and a 100% design for supporting aprons, parking lots, drainage, etc.

Required services for the Project may include, but are not limited to; architectural, civil, structural and electrical engineering/design services, and construction of the Project.

Interested Proposers are requested to indicate their interest in this Project by submitting three (3) copies of a Letter of Interest addressing all items contained in the Submission Requirements by 4:00 p.m. local time, Tuesday, November 29, 2005 to Allan Penksa, Director of Facilities and Maintenance, 3880 N.E. 39th Avenue, Suite A, Gainesville Regional Airport, Gainesville, Florida 32609. Letters of Interest shall be labeled “Letter of Interest for Design/Build Services for Eclipse Aviation Factory Service Center.” Letters of Interest received after the date and time indicated above will not be considered.

A copy of the Submission Requirements may be obtained by contacting or visiting GACRAA at the above address.

Short listed firms will be provided with a design-build package that includes scope documents and proposal evaluation criteria for submission of proposals. The short listed Proposers will be requested to submit a priced technical proposal to complete the Project based on the design criteria package. Determination of the successful Proposer will be based on GACRAA and its design team’s evaluation of both the technical merit and the total price proposed by each of the short listed Proposers.

Only those Proposers submitting Letters of Interest which meet the requirements herein will be considered for the contemplated services, regardless of past contact with the GACRAA, or other agencies, departments, or staff personnel.

A mandatory Pre-Submittal Conference will be conducted at: Gainesville Regional Airport, Terminal Restaurant/Lounge Facility, 3880 N.E., 39th Avenue, Gainesville, Florida 32609 on Tuesday, November 15, 2005, 2:00 p.m. local time. Questions regarding the Project or procurement process will be received by GACRAA at the mandatory Pre-Submittal Conference or through written inquiries directed to Allan Penksa, Director of Facilities and Maintenance at the address above. Questions received after close of business on Friday, November 18, 2005 will not be answered.

GACRAA reserves the right to waive any informalities in the Letters of Interest, to reject any and all Letters of Interest, to re-advertise for Letters of Interest, or to elect not to proceed with the project for any reason. All recommendations and decisions regarding award of the Project shall be made at open public meetings in accordance with the requirements of Section 286.011, Florida Statutes, and all interested parties are invited to attend such meetings.

**Section XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Order No. DCA05-OR-198

STATE OF FLORIDA

In re: A LAND DEVELOPMENT REGULATION ADOPTED  
BY ISLAMORADA, VILLAGE OF ISLANDS  
ORDINANCE NO. 05-17

**FINAL ORDER**

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), F.S. (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 Islamorada, Village of Islands is a local government within the Florida Keys Area.

2. On September 18, 2005, the Department received for review Islamorada, Village of Islands Ordinance No. 05-17 which was adopted by the Village Council on September 1, 2005 (“Ord. 05-17”). The purpose of Ord. 05-17 is to revise Section 30-681, the Purposes Section of the Village Code and amend Section 30-689, the Multi-Family Zoning District of the Village Code to clarify that multi-family units may be attached or detached.

3. Ord. 05-17 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. Sections 380.05(6) and 380.0552(9), F.S. (2004).

5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, F.S. (2004), and Rule 28-29.002 (superseding Chapter 27F-8), F.A.C.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), F.S. (2004). The regulations adopted by Ord. 05-17 are land development regulations.

7. 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 Section 380.0552(7), F.S. (2004). 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.

8. Ord. 05-17 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(b) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

9. Ord. 05-17 is not inconsistent with the remaining Principles. Ord. 05-17 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 05-17 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 Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 25th day of October, 2005.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Robert Johnson, Mayor  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Beverly Raddatz, Village Clerk  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Nina Boniske, Esq.  
Nancy Stroud, Esq.  
Weiss Serota Helfman Pastoriza  
Guedes Cole & Boniske, P.A.  
3107 Stirling Drive, Suite 300  
Fort Lauderdale, FL 33312-8500

DCA Order No. DCA05-OR-199

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION ADOPTED BY ISLAMORADA, VILLAGE OF ISLANDS ORDINANCE NO. 05-19

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), F.S. (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 Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On September 18, 2005, the Department received for review Islamorada, Village of Islands Ordinance No. 05-19 which was adopted by the Village Council on September 1, 2005 (“Ord. 05-19”). The purpose of Ord. 05-19 is to impose a temporary moratorium on the acceptance of development applications that seek development approvals for the redevelopment of mobile home parks for one year. The initial moratorium ordinance was due to terminate December 15, 2005. The proposed ordinance will terminate on June 14, 2006. The Village is working to develop new regulations that will address the redevelopment of mobile homes. The Village land development regulations currently prohibit the conversion of mobile homes to any use other than affordable housing.
3. Ord. 05-19 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. Sections 380.05(6) and 380.0552(9), F.S. (2004).

5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, F.S. (2004), and Rule 28-29.002 (superseding Chapter 27F-8), F.A.C.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), F.S. (2004). The regulations adopted by Ord. 05-19 are land development regulations.

7. 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 Section 380.0552(7), F.S. (2004). 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.

8. Ord. 05-19 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(b) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

9. Ord. 05-19 is not inconsistent with the remaining Principles. Ord. 05-19 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 05-19 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**

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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.

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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.

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CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 25th day of October, 2005.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Robert Johnson, Mayor  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Beverly Raddatz, Village Clerk  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Nina Boniske, Esq.  
Nancy Stroud, Esq.  
Weiss Serota Helfman Pastoriza  
Guedes Cole & Boniske, P.A.  
3107 Stirling Drive, Suite 300  
Fort Lauderdale, FL 33312-8500

DCA Order No. DCA05-OR-200

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION ADOPTED BY ISLAMORADA, VILLAGE OF ISLANDS ORDINANCE NO. 05-20

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0552(9), F.S. (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 Islamorada, Village of Islands is a local government within the Florida Keys Area.

2. On September 18, 2005, the Department received for review Islamorada, Village of Islands Ordinance No. 05-20 which was adopted by the Village Council on September 1, 2005 ("Ord. 05-20"). The purpose of Ord. 05-20 is to amend the definitions section of Article 2, Chapter 9.5 Land Development Regulations of the Village Code; amend Division 5.6, "Off Street Parking, Loading and Drive Way Standards," create "Temporary Storage Units" and repeal Section 19-129 of Chapter VI "Parking of Trucks, Trailers and Travel Trailers," provide for severability, and repeal of all code provisions inconsistent with the ordinance and transmitting the ordinance to DCA for adoption.

3. The Ordinance establishes that temporary structures and uses are not subject to the definition of Floor Area Ratio. The Ordinance also adds a definition for hazardous materials and temporary storage unit, temporary structure, and temporary use. The ordinance establishes regulations regarding the parking of certain types of vehicles within certain residential zoning districts. The Ordinance also establishes the ability to utilize storage units within any zoning district provided the units do not remain more than thirty consecutive days if not associated with a building permit. If associated with new construction, the units may stay onsite as long as one year. The units must be tied down and may not be used for habitable space. Temporary units already on site that have not been permitted by the Village must be registered within 60 days of approval of the proposed ordinance.

4. Ord. 05-20 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. Sections 380.05(6) and 380.0552(9), F.S. (2004).

6. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. Section 380.0552, F.S. (2004), and Rule 28-29.002 (superseding Chapter 27F-8), F.A.C.

7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), F.S. (2004). The regulations adopted by Ord. 05-20 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 Section 380.0552(7), F.S. (2004). 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. 05-20 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

10. Ord. 05-20 is not inconsistent with the remaining Principles. Ord. 05-20 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 05-20 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.

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IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21

CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT’S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 25th day of October, 2005.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Robert Johnson, Mayor  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Beverly Raddatz, Village Clerk  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Nina Boniske, Esq.  
Nancy Stroud, Esq.  
Weiss Serota Helfman Pastoriza  
Guedes Cole & Boniske, P.A.  
3107 Stirling Drive, Suite 300  
Fort Lauderdale, FL 33312-8500

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 Hyosung Motors America, Inc., intends to allow the establishment of Affordable ATV’s, Inc., as a dealership for the sale of Hyosung motorcycles, 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: Mark G. Muscott and Billie-Jo Muscott, 4235 East Benthall Court, Hernando, Florida 34442; principal investor(s): William H. Ogle, III, 4301 East Tennessee Lane, Hernando, Florida 34442.

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: Edward Park, President, Hyosung Motors America, Inc., 502 Shartom Drive, Augusta, Georgia 30907.

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, Wild West Motor Company, Inc., intends to allow the establishment of Big Bike Motorcycles of Jacksonville, Inc., as a dealership for the sale of Wild West motorcycles, 3842 Sunbeam Road, Jacksonville (Duval County), Florida 32257, on or after September 28, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Big Bike Motorcycles of Jacksonville, Inc., are dealer operator: Bruce Scott, 3842 Sunbeam Road, Jacksonville, Florida 32257; principal investor(s): Bruce Scott, 9843 Sunbeam Center Drive, Jacksonville, Florida 32257.

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: Paul D. Seiter, President, Wild West Motor Company, 8230 Miralani Drive, San Diego, California 92126.

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, Harley-Davidson Motor Company and Buell Motorcycle Company, intends to allow the establishment of Daytona Harley-Davidson, Inc., d/b/a Bruce Rossmeyer's Daytona Harley-Davidson and Bruce Rossmeyer's Daytona Buell, as a

dealership for the sale of Harley-Davidson and Buell motorcycles, at 1637 North US Highway 1, Ormond Beach (Volusia County), Florida 32174, on or after October 31, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Daytona Harley-Davidson, Inc., d/b/a Bruce Rossmeyer's Daytona Harley-Davidson and Bruce Rossmeyer's Daytona Buell, are dealer operator: Bruce O. Rossmeyer, 1633 North US Highway 1, Ormond Beach, Florida 32174; principal investor(s): Gene Reed, Jr., 1633 North US Highway 1, Ormond Beach, Florida 32174.

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: Kyle Jones, Regional Dealer Development Representative, 3700 West Juneau Avenue, P. O. Box 653, Milwaukee, Wisconsin 53201.

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, Cobra Scooters, LLC, intends to allow the establishment of GekGo Scooters, d/b/a MoJo Powersports, as a dealership for the sale of Taiwan Golden Bee (TGB) motorcycles, at 101 First Avenue, Largo (Pinellas County), Florida 34698, on or after October 20, 2005.

The name and address of the dealer operator(s) and principal investor(s) of GekGo Scooters, d/b/a MoJo Powersports are dealer operator: Peter Spoto, 100 Squire Court, Dunedin, Florida 34698; principal investor(s): Peter Spoto, 100 Squire Court, Dunedin, Florida 34698.

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: Robert P. Bates, Vice President of Operations, Cobra Scooters, LLC, 11220 Highway 6 South, Suite A2, Sugar Land, Texas 77478.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Cobra Scooters, LLC, intends to allow the establishment of GekGo Scooters d/b/a MoJo Powersports, as a dealership for the sale of Taiwan Golden Bee (TGB) motorcycles, at 707 West Bay Drive, Largo (Pinellas County), Florida 33770, on or after October 20, 2005.

The name and address of the dealer operator(s) and principal investor(s) of GekGo Scooters d/b/a MoJo Powersports are dealer operator: Peter Spoto, 100 Squire Court, Dunedin, Florida 34698; principal investor(s): Peter Spoto, 100 Squire Court, Dunedin, Florida 34698.

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: Robert P. Bates, Vice President of Operations, Cobra Scooters, LLC, 11220 Highway 6 South, Suite A2, Sugar Land, Texas 77478.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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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 Cobra Scooters, LLC, intends to allow the establishment of Fantasea Scooters as a dealership for the sale of Taiwan Golden Bee (TGB) motorcycles at 1646 Scenic Gulf Drive, Destin (Walton County), Florida 32550, on or after October 20, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Fantasea Scooters are dealer operator: Steve Fontana, 668 Driftwood Point Road, Santa Rosa Beach, Florida 32459; principal investor(s): Steve Fontana, 668 Driftwood Point Road, Santa Rosa Beach, Florida 32459.

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: Robert P. Bates, Vice President of Operations, Cobra Scooters, LLC, 11220 Highway 6 South, Suite A2, Sugar Land, Texas 77478.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Cobra Scooters, LLC, intends to allow the establishment of Surfside Scooters, as a dealership for the sale of Taiwan Golden Bee (TGB) motorcycles, at 524A Northlake Boulevard, Lake Park (Palm Beach County), Florida 33408, on or after October 20, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Surfside Scooters are dealer operator: Pete Williams, 450 Seaside Lane, Juno Beach, Florida 33408; principal investor(s): Pete Williams, 450 Seaside Lane, Juno Beach, Florida 33408.

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: Robert P. Bates, Vice President of Operations, Cobra Scooters, LLC, 11220 Highway 6 South, Suite A2, Sugar Land, Texas 77478.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Cobra Scooters, LLC, intends to allow the establishment of Scooter Escapes, as a dealership for the sale of Taiwan Golden Bee (TGB) motorcycles, at 3948 Central Avenue, St. Petersburg (Pinellas County), Florida 33711, on or after October 20, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Escapes are dealer operator: Chris Densmore, 3948 Central Avenue, St. Petersburg, Florida 33711; principal investor(s): Chris Densmore, 3948 Central Avenue, St. Petersburg, Florida 33711.

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: Robert P. Bates, Vice President of Operations, Cobra Scooters, LLC, 11220 Highway 6 South, Suite A2, Sugar Land, Texas 77478.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Cobra Scooters, LLC, intends to allow the establishment of Grandpa's Cycle Center, as a dealership for the sale of Taiwan Golden Bee (TGB) motorcycles, at 3596 Fowler Street, Ft. Myers (Lee County), Florida 33901, on or after October 21, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Grandpa's Cycle Center are dealer operator: Marion H. Stewart, 3955 Edgewood Avenue, Ft. Myers, Florida 33916; principal investor(s): Marion H. Stewart, 3955 Edgewood Avenue, Ft. Myers, Florida 33916.

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.



Project Description: Establish a freestanding inpatient hospice facility of up to 30 beds  
 County: Pinellas District: 5  
 Date Filed: 10/20/2005 LOI #: N0510005  
 Facility/Project: Hospice of the Palm Coast, Inc.  
 Applicant: Hospice of the Palm Coast, Inc.  
 Project Description: Establish a hospice program  
 County: Hillsborough District: 6  
 Date Filed: 10/20/2005 LOI #: N0510006  
 Facility/Project: Hospice of the Palm Coast, Inc.  
 Applicant: Hospice of the Palm Coast, Inc.  
 Project Description: Establish a hospice program  
 County: Orange District: 7  
 Date Filed: 10/21/2005 LOI #: N0510007  
 Facility/Project: Florida Hospital  
 Applicant: Adventist Health System/Sunbelt, Inc.  
 Project Description: Establish an adult liver transplantation program  
 County: Polk District: 6  
 Date Filed: 10/21/2005 LOI #: N0510008  
 Facility/Project: Lake Wales Health Care Operations Company, LLC  
 Applicant: Lake Wales Health Care Operations Company, LLC  
 Project Description: Establish a 120-bed community nursing home through delicensure of 120 beds from Lake Wales Medical Center's Extended Care facility  
 County: Collier District: 8  
 Date Filed: 10/21/2005 LOI #: N0510009  
 Facility/Project: Cleveland Clinic Florida Hospital-Naples  
 Applicant: Cleveland Clinic Florida Hospital-Naples  
 Project Description: Establish an adult open heart surgery program  
 County: Charlotte District: 8  
 Date Filed: 10/24/2005 LOI #: N0510010  
 Facility/Project: Hospice of Southwest Florida, Inc.  
 Applicant: Hospice of Southwest Florida, Inc.  
 Project Description: Establish a seven-bed freestanding inpatient hospice facility  
 County: Palm Beach District: 9  
 Date Filed: 10/21/2005 LOI #: N0510011  
 Facility/Project: Chatsworth at PGA  
 Applicant: Devonshire Associates, Ltd.  
 Project Description: Add 40 community nursing home beds through delicensure of 40 community nursing home beds at Palm Beach Shores Rehab & Sub-Acute Center

County: Dade District: 11  
 Date Filed: 10/21/2005 LOI #: N0510012  
 Facility/Project: Catholic Hospice, Inc.  
 Applicant: Catholic Hospice, Inc.  
 Project Description: Establish a freestanding inpatient hospice facility of up to 13 beds  
 County: Dade District: 11  
 Date Filed: 10/21/2005 LOI #: N0510013  
 Facility/Project: Floridean Nursing Home, Inc.  
 Applicant: Floridean Nursing Home, Inc.  
 Project Description: Add up to 30 community nursing home beds through delicensure of up to 30 community nursing home beds from Greynolds Park Manor Rehab Center  
 County: Dade District: 11  
 Date Filed: 10/21/2005 LOI #: N0510014  
 Facility/Project: New Riviera Nursing & Rehabilitation Center, LLC  
 Applicant: New Riviera Nursing & Rehabilitation Center, LLC  
 Project Description: Establish a community nursing home of up to 234 beds through delicensure of up to 234 community nursing home beds from Greynolds Park Manor Rehab Center  
 If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after December 28, 2005, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on December 9, 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**

On October 25, 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 Terry R Shetler, license number AP 1787. 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 20, 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 Jose Joaquin Vega, MD, license number ME 75003. 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 20, 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 Clark Mitchell, MD, license number ME 66097. 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 24, 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 Kieron Nisbet, MD, license number 6120. 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 20, 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 Jorge Forcada, MD, license number ME 49707. 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 20, 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 Sheridan Bledsoe, LPN, license number PN 5144861. 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 25, 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 Elizabeth Ann Ruffing, LPN, license number PN 861011. 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 25, 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 Merri Elizabeth Wogaman, RN, license number RN 3406012. 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 20, 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

Deborah J. Barno, RN, license number RN 9202388. 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 25, 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 Albert J. Victorienne, R.Ph., license number PH 29305. 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 20, 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 Joseph M. Heuvel, R.Ph license number PS 39973. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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#### DEPARTMENT OF FINANCIAL SERVICES

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, Division of Financial Institutions, 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 25, 2005):

APPLICATION FOR A NEW FINANCIAL INSTITUTION  
Applicant and Proposed Location: Destin First Bank, 985 Highway 98 East, Destin, Okaloosa County, Florida 32541  
Correspondent: Bob and Sandy Calvert, 2619 Pilgrim Rest Church Road, Alford, Florida 32420  
Received: October 19, 2005

#### REQUEST FOR CORPORATE NAME APPROVAL BY A NON-FINANCIAL INSTITUTION

Notice is hereby given that the Office of Financial Regulation has received the following request for corporate name approval by a non-financial institution. Comments may be submitted to the Director, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record. Any comments submitted must be received by the Office within twenty-one (21) days from publication of this notice (by 5:00 p.m., November 25, 2005):

Applicant: Rebecca Saferstein, Corporate Paralegal, c/o Smith, Gambrell & Russell, LLP, 1230 Peachtree Street, N.E., Suite 3100, Atlanta, Georgia 30309-3592  
Proposed Name: First Bank Mortgage Corporation  
Received: October 19, 2005

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN October 17, 2005  
 and October 21, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
<b>DEPARTMENT OF TRANSPORTATION</b>				
14-46.001	10/21/05	11/10/05	30/35	31/39

<b>DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION</b>				
<b>Construction Industry Licensing Board</b>				
61G4-15.003	10/18/05	11/7/05	31/37	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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<b>DEPARTMENT OF HEALTH</b>				
<b>Council of Licensed Midwifery</b>				
64B24-3.002	10/20/05	11/9/05	31/34	

<b>FISH AND WILDLIFE CONSERVATION COMMISSION</b>				
<b>Manatees</b>				
68C-22.001	10/19/05	11/8/05	31/28	





Section XIV  
List of Rules Affected

This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.

- w - Signifies Withdrawal of Proposed Rule(s)
- c - Rule Challenge Filed
- v - Rule Declared Valid
- x - Rule Declared Invalid
- d - Rule Challenge Dismissed
- dw - Dismissed Upon Withdrawal

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STATE

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1-2.0031	31/44		
1B-24.002	26/43		
1S-2.0115	31/40		
1S-2.025	31/40		
1S-2.026	31/35		
1S-2.031	31/20	31/35	31/43
1S-2.034	31/42		
1S-2.036	31/40		
1S-2.037	31/40		
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3F-5.0035	29/39	29/45	
3F-5.004	29/39	29/45	
3F-5.006	29/39	29/45	
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4-138.047	28/41		
4-149.203	29/52	30/3	
4-149.204	29/52	30/3	
4-149.205	29/52	30/3	
4-149.206	29/52	30/3	
4-149.207	29/52	30/3	
4-154.201	29/37	30/3	
4-154.202	29/37	29/42	
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4-154.203	29/37	29/46	
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4-154.204	29/37	30/3	
4-154.210	29/37	30/3	

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4-166.045	30/1	30/3	
4-176.013	29/36	30/3	
4-200.007	29/44	30/3	
4-211.031	27/44		
4-228.055	26/35		
4A-3.002	27/12		
4A-21.115	29/37	29/46	
4A-41.108	29/25		
4A-62.0001	29/44	29/46	
4A-62.001	29/44	29/46	
4A-62.002	29/44	29/46	
4A-62.003	29/44	29/46	
4A-62.006	29/44	29/46	
4A-62.007	29/44	29/46	
4A-62.020	29/44	29/46	
4A-62.021	29/44	29/46	
4A-62.022	29/44	29/46	
4A-62.023	29/44	29/46	
4A-62.030	29/44	29/46	
4A-62.031	29/44	29/46	
4A-62.032	29/44	29/46	
4A-62.033	29/44	29/46	
4A-62.034	29/44	29/46	
4A-62.035	29/44	29/46	
4A-62.036	29/44	29/46	
4A-62.040	29/44	29/46	
4A-62.041	29/44	29/46	
4A-62.042	29/44	29/46	
4A-62.043	29/44	29/46	
4A-62.044	29/44	29/46	
4A-62.045	29/44	29/46	
4C-6.003	29/38	30/29	
4C-40.0055	28/47		
4L-24.0231	29/39	29/46	
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5-1	31/6c		
	31/14c		
5B-58.001	27/29		
5B-58.001(16)	27/50c		
5E-2.0042	30/15		
5E-2.011	29/32		
5F-11.002	31/34	31/40	
5F-11.027	31/34		
5F-11.028	31/34		
5F-11.029	31/34		
5F-11.043	31/34		
5F-11.044	31/34	31/40	
5F-11.045	31/34		
5F-11.046	31/34	31/40	
5F-11.050	31/34	31/40	
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				14-51.053	31/42		
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10M-9.026	22/1			14-87.001	31/24	31/33	31/40
10M-9.045	22/1			14-87.0011	31/24	31/33	31/40
				14-87.0012	31/24	31/33	31/40
<b>LAW ENFORCEMENT</b>				14-87.002	31/24	31/33	31/40
11B-27.006	27/17			14-98.005	31/36		
11B-30.014	19/40			14-98.008	31/36		
				14-108.001	31/39		
<b>REVENUE</b>				14-108.002	31/39		
12-24.022	28/4			14-108.003	31/39		
12AER05-5			31/27	14-108.004	31/39		
12A-1.004	31/24		31/43	14-108.005	31/39		
12A-1.044	31/24		31/43	14B-2.001	31/35		
12A-6.038	29/17			14B-2.002	31/35		
12A-15.001	31/24		31/43	14B-2.003	31/35		
12A-15.002	31/24		31/43	14B-2.004	31/35		
12A-15.010	31/24		31/43	14B-2.005	31/35		
12A-15.011	31/24		31/43	14B-2.006	31/35		
12A-15.012	31/24		31/43	14B-2.007	31/35		
12A-19.070	31/29	31/39		<b>ENVIRONMENTAL REGULATION</b>			
12A-19.071	31/29	31/37		17-503.420	16/15		
		31/39		17-503.430	16/15		
12A-19.072	31/29	31/37		17-503.500	16/15		
		31/38		17-660.300	15/50	16/8	
		31/39		17-671.100	15/32		
12A-19.073	31/29	31/39		17-671.200	15/32		
12A-19.100	31/29	31/39		17-671.300	15/32		
12BER05-6			31/40	17-671.310	15/32		
12BER05-7			31/40	<b>BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND</b>			
12BER05-8			31/40	18-21.003	31/27c		
12BER05-9			31/40	18-21.003(23)	31/16c		
12B-8	23/8c			18-21.004	25/48	25/50	
12D-7.003	31/40				30/46	31/19	31/42
12D-8.0063	31/40					31/36	31/42
12D-8.021	31/40			18-21.0051	30/46	31/19	31/42
12D-13.015	31/40					31/36	31/42
12D-16.002	31/40			18-21.011	31/16c		
<b>TRANSPORTATION</b>					31/27c		
14-1	31/32c			<b>STATE BOARD OF ADMINISTRATION</b>			
14-1.003	31/36		31/43	19-8.010	31/38		
14-15.002	28/13			19B-4.001	31/43		
	31/26	31/41		19B-4.002	31/43		
14-15.003	26/46			19B-15.001	28/8		
14-15.0081	31/28		31/43	19B-15.002	28/8		
	31/43			19B-15.003	28/8		
14-22.006	31/43			19B-15.004	28/8		
14-22.009	31/43			19B-15.005	28/8		
14-22.015	31/43			19B-15.006	28/8		
14-46.001	30/35	31/39	31/44				
14-51.011	31/42						
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19B-15.008	28/8						
19B-15.009	28/8			28-18.100	31/33		
19B-15.010	28/8			28-18.200	31/33		
19B-15.011	28/8			28-20.110	30/29		31/38
19B-16.002	31/43			28-20.120	30/29		31/38
CITRUS				REGIONAL PLANNING COUNCILS			
20ER05-2			31/40	29C-1.005	29/4		
20ER05-8			31/44	29H-9.003	31/31		31/41
20-64.025	31/28			CORRECTIONS			
	31/38		31/41w				
	31/44			33-2.001	23/25		
20-70.006	31/28			33-3.0081	25/35	25/43	
	31/38		31/41w	33-3.0082	25/35	25/43	
	31/44			33-3.0084	25/35	25/43	
20-71.006	31/28			33-3.0085	25/35	25/43	
	31/38		31/41w	33-3.015	21/43		
	31/44			33-3.018	17/14		
20-72.006	31/28			33-3.018	17/14		
	31/38		31/41w	33-8.0142	19/43		
	31/44			33-22.003	17/12		
20-72.008	31/28			33-22.009	17/12		
	31/38		31/41w	33-22.011	17/12		
	31/44			33-32.021	19/5		
20-72.010	31/28			33-32.022	19/5		
	31/38		31/41w	33-38.001	25/35	25/43	
	31/44			33-38.003	25/35	25/43	
PROFESSIONAL REGULATION				33-38.005	25/35	25/43	
				33-38.006	25/35	25/43	
				33-38.009	25/35	25/43	
21M-49.002	19/6c			33-38.010	25/35	25/43	
21M-50.002	19/6c			33-38.011	25/35	25/43	
21M-50.003	19/6c			33-38.012	25/35	25/43	
21M-50.007	19/6c			33-102.101	31/40		
21M-50.009	19/6c			33-103.003	31/33		31/40
PUBLIC SERVICE COMMISSION				33-107.101	31/35		31/42
				33-204.003	31/34		31/41
				33-204.111	27/29		
25-4.0161	31/30		31/38	33-208.507	26/16		
25-4.036	31/44			33-210.101	30/43		
25-24.515	31/44			33-301.605	31/7		
EXECUTIVE OFFICE OF THE GOVERNOR				33-302.108	31/34		31/42
				33-302.111	31/34	31/43	
27E-4.001	20/11			33-401.601	31/32		31/43
27E-4.002	20/11			33-601.100	31/34		31/41
27E-4.003	20/11			33-601.230	29/19		
27E-4.004	20/11			33-601.307	31/33		31/40
27E-4.005	20/11			33-601.314	31/35		31/42
27E-4.006	20/11			33-601.502	31/30		31/37
27E-4.007	20/11			33-601.722	31/33		31/40
27E-4.008	20/11			33-601.725	28/4	28/9	
				33-601.737	31/44		
				33-601.738	26/48	27/38	
				33-601.820	31/15	31/31	31/38w
				33-602.224	31/43		

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38E-106.401	24/1			40D-4.091	22/48		
38F-8.055	22/4				25/3		
38I-60.200	20/7				31/34		31/41
38K-1.0045	23/27			40D-4.201	21/22		
WATER MANAGEMENT DISTRICTS				40D-6.521	24/50		
40B-2.321	30/22	30/36		40D-8.6240	23/38	24/48	
40B-21.001	31/25			40D-45.341	19/42	20/3	
40B-21.031	31/25			40D-116.002	29/52		
40B-21.051	31/25			40D-602.221	28/47		
40B-21.211	31/25			40E-1.510	20/18	21/36	
40B-21.221	31/25			40E-1.607	19/43		
40B-21.231	31/25			40E-1.612	20/18	21/36	
40B-21.251	31/25			40E-1.614	20/18	21/36	
40B-21.275	31/25			40E-1.659	31/43		
40B-21.291	31/25			40E-3.032	28/5		
40B-21.421	31/25			40E-3.0391	28/5		
40B-21.511	31/25			40E-4.091	29/50c		
40B-21.531	31/25				31/43		
40B-21.541	31/25			40E-4.101	31/43		
40B-21.571	31/25			40E-7.523	28/39		
40B-21.601	31/25			40E-7.532	28/39		
40B-21.621	31/25			40E-7.639	22/23	22/37	
40B-21.631	31/25			40E-8.011	31/43		
40B-21.641	31/25			40E-8.021	31/43		
40C-1.101	27/52			40E-8.351	31/43		
40C-1.181	20/18			40E-8.421	31/43		
40C-2.031	31/35			40E-20.651	29/17		
40C-2.042	31/35			40E-63.223	27/2	27/9	
40C-2.051	31/35			40E-601.314	26/9		
40C-2.101	31/35			FLORIDA LAND AND WATER ADJUDICATORY COMMISSION			
40C-2.381	31/35			42KK-1.001	31/36		
40C-2.900	31/35			42KK-1.002	31/36		
40C-3.035	31/39			42KK-1.003	31/36		
40C-4.091	31/12c			EXPRESSWAY AUTHORITIES			
40C-400.201	21/48	21/48		45A-2.001	21/49		
40D-1.002	31/34		31/41	MARINE FISHERIES COMMISSION			
40D-1.202	19/36	19/42		46-15.002	21/35		
40D-1.6105	31/31		31/41	46-21.007(1)	18/2		
40D-1.659	31/23	31/35	31/41	46-24.003	21/27		
	31/31		31/41	46-37.001	20/18		
	31/34		31/41	46-37.002	20/18	20/25	
40D-2.031	31/20	31/35		46-37.003	20/18		
40D-2.091	22/48			46-37.004	20/18	20/25	
	31/31		31/41	46-37.005	20/18		
40D-2.301	22/48			46-37.006	20/18	20/25	
40D-2.331	20/48			46-42.003	20/35		
40D-2.341	31/31		31/41	46-47.007	22/27		
40D-2.351	31/31		31/41				

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53ER05-53			31/27	53-302.101	29/22		
53ER05-54			31/28	53-302.109	29/22		
53ER05-55			31/28	ELDER AFFAIRS			
53ER05-56			31/28	58A-1.006	31/36		31/43
53ER05-57			31/30	58A-1.008	31/36		31/43
53ER05-58			31/30	58A-8.001	31/19	31/23	31/38
53ER05-59			31/30			31/28	31/38
53ER05-60			31/32			31/31	31/38
53ER05-61			31/32	58A-8.002	31/19	31/28	31/38
53ER05-62			31/32			31/31	31/38
53ER05-63			31/32	58B-1.001	31/27		
53ER05-64			31/32	58B-1.003	31/27		
53ER05-65			31/34	58B-1.005	31/27		
53ER05-66			31/34	58B-1.007	31/27		
53ER05-67			31/37	58B-1.009	31/27	31/31	
53ER05-68			31/37	58C-1.004	31/36		31/43
53ER05-69			31/37	58D-1.005	31/36		31/43
53ER05-70			31/37	58M-2.001	31/37	31/43	
53ER05-71			31/39	58M-2.002	31/37		31/43w
53ER05-72			31/39	58M-2.003	31/37	31/43	
53ER05-73			31/39	58M-2.005	31/37	31/43	
53ER05-74			31/41	58M-2.007	31/37		31/43w
53ER05-75			31/41	AGENCY FOR HEALTH CARE ADMINISTRATION			
53ER05-76	31/43		31/43	59-1	29/35c		
53ER05-77	31/43		31/43		30/10c		31/40d
53-19.0035	25/43				30/42c		
53-28.001	31/33				31/2c		31/38dw
53-28.002	31/33				31/34c		
53-28.003	31/33				31/35c		31/37dw
53-28.0035	31/33			59A-2.024	20/1		
53-28.004	31/33			59A-3.170	21/20		
53-28.005	31/33			59A-3.180	21/3		
53-28.006	31/33			59A-3.2055	22/52	23/10	
53-28.007	31/33			59A-3.2085	31/43		
53-29.001	31/33			59A-3.253	31/2		
53-29.002	31/33			59A-3.255	29/36	29/48	
53-29.003	31/33					30/3	
53-29.0035	31/33				29/43c		
53-29.004	31/33			59A-7.020	20/25		
53-29.005	31/33			59A-8.002	31/6		31/37
53-30.001	31/33			59A-8.003	31/6		31/37
53-30.002	31/33			59A-8.004	31/6	31/29	31/37
53-30.003	31/33			59A-8.008	31/6		31/37
53-30.004	31/33			59A-8.0086	31/6	31/18	31/37
53-31.001	31/33					31/24	31/37
53-31.002	31/33			59A-8.0095	31/6		31/37
53-31.003	31/33			59A-8.0185		25/48	31/37
53-31.004	31/33				31/6	31/14	31/37
53-32.001	31/33			59A-8.020	31/6		31/37
53-32.002	31/33			59A-8.022	31/6		31/37
53-32.003	31/33						
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59A-8.0245	31/6	31/24	31/37	59E-1.001	20/27		
59A-11.0115	30/5			59E-1.002	20/27		
59A-12.020	26/32	26/36		59E-1.003	20/27		
59A-13.004	31/37		31/39w	59E-1.004	20/27		
59A-13.005	31/37		31/39w	59E-1.005	20/27		
59A-13.007	31/37		31/39w	59E-1.006	20/27		
59A-13.008	31/37		31/39w	59E-1.007	20/27		
59A-13.009	31/37		31/39w	59F-1.002	20/33		
59A-13.010	31/37		31/39w	59G-4.002	31/32		
59A-13.013	31/37		31/39w	59G-4.020	31/24		31/39
59A-13.014	31/37		31/39w	59G-4.035	31/38		
59A-13.015	31/37		31/39w	59G-4.055	21/39	21/45	
59A-13.020	31/37		31/39w	59G-4.070	27/6	27/18	
59A-13.022	31/37		31/39w	59G-4.140	31/24		31/39
59A-18.003	26/25			59G-4.160	31/40		
59A-31.001	31/18		31/39w	59G-4.230	31/6c		
59A-31.002	31/18		31/39w	59G-4.250	28/8	28/31	
59A-31.003	31/18		31/39w	59G-4.255	31/26		
59A-31.004	31/18		31/39w	59G-4.330	31/30	31/42	
59A-31.005	31/18		31/39w	59G-6.010	31/42		
59A-31.006	31/18		31/39w	59G-6.020	31/26		
59B-7.020	19/30				31/42		
59B-7.021	19/30			59G-6.030	31/42		31/44w
59B-7.022	19/30			59G-6.045	31/44		
59B-7.023	19/30			59G-208.101	27/4	27/16	
59B-7.024	19/30			59H-1.00352	26/3	26/17	
59B-7.025	19/30			59M-3.005	21/25		
59B-7.026	19/30			59O-2.002	22/34	24/49	
59B-7.027	19/30			59O-2.003	22/34	24/49	
59B-7.028	19/30			59O-3.002	22/34	24/49	
59B-7.029	19/30			59O-9.003	22/34	24/48	
59B-14.001	31/31			59Q-9.002	20/39		
59B-14.002	31/31	31/43		59R-62.010	21/5		
59B-14.003	31/31			59R-62.040	21/5		
59B-14.004	31/31	31/43		59T-11.013	23/22	23/35	
59B-14.005	31/31			59T-14.004	23/22	23/35	
59B-14.006	31/31			59T-15.002	23/22	23/35	
59B-14.007	31/31			59T-16.001	23/22	23/35	
59B-14.008	31/31			59T-16.002	23/22	23/35	
59B-15.001	31/10			59U-11.019	20/51	21/7	
	31/17c			59U-14.002	23/24	23/35	
59B-15.002	31/10			59V-3.007	20/34	20/48	
	31/17c			59Y-5.001	23/11		
59B-15.003	31/10						
	31/17c						
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60H-1.009	31/22			61A-7.007	29/41		
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60H-1.017	31/22	31/41		61A-7.008	29/41		
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HEALTH

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64B16-26.601	30/52			64C-4.003	30/29	31/38	
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64B16-27.210	30/50	31/20		64D-4.003	31/15		
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65C-31.008	31/43			67-21.013	31/42		
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