

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

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

PURPOSE AND EFFECT: The purpose of the proposed rule development is to propose amendments to the State Requirements for Educational Facilities to specify criteria for the Qualified Public Educational Facilities Private Bond Allocation Program. The effect will be consistent criteria established in rule.

SUBJECT AREA TO BE ADDRESSED: Public Educational Facilities Private Bond Allocation Program.

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

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

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 TO BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Spessard Boatright, Office of Educational Facilities, 325 West Gaines Street, Room 1054, Tallahassee, Florida 32399-0400; (850)245-9229

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Rentals, Leases, and Licenses to Use
 Transient Accommodations
 RULE NO.: 12A-1.061

PURPOSE AND EFFECT: The purpose of this rule development is to: (1) establish guidelines for the tax treatment of transient accommodations provided to members of a hotel rewards points program; and (2) clarify that the provisions of Rule 12A-1.061, F.A.C. (Rentals, Leases, and Licenses to Use Transient Accommodations), govern the administration of the

transient rentals tax imposed under Section 212.03, F.S., and any locally-imposed discretionary sales surtax, convention development tax, tourist development tax, tourist impact tax, or municipal resort tax imposed on transient accommodations.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed is the application of state sales tax, local surtax, and any locally-imposed convention development tax, tourist development tax, tourist impact tax, or municipal resort tax on transient accommodations provided to members of a hotel rewards points program.

SPECIFIC AUTHORITY: 212.0305(3)(f), 125.0104(3)(k), 125.0108(2)(e), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1)(b), 125.0104, 125.0108, 212.02(2), (10)(a)-(g), (16), 212.03(1), (2), (3), (4), (5), (7), 212.0305, 212.031, 212.04(4), 212.06(2)(j), 212.08(6), (7)(i), (m), 212.054, 212.055, 212.11(1), (2), 212.12(8), (9), (13), 212.13(2), 212.15(1), 212.18(2), (3), 213.37, 213.756 FS., Chapter 67-930, L.O.F.

THE AGENCY ANTICIPATES CONDUCTING A RULE DEVELOPMENT WORKSHOP AT A FUTURE DATE. THE WORKSHOP WILL BE NOTICED IN THE FLORIDA ADMINISTRATIVE WEEKLY AND WILL INCLUDE, IF AVAILABLE, A PRELIMINARY DRAFT OF ANY PROPOSED RULE TEXT.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gary Gray, Revenue Program Administrator, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4729, e-mail grayg@dor.state.fl.us.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, (800)955-8770 (Voice) and (800)955-8771 (TDD).

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

DOCKET NO: 050152-EU
 RULE TITLE: Measuring Customer Service
 RULE NO.: 25-6.049

PURPOSE AND EFFECT: The amendment would allow master metering for electric service for condominiums that operate like hotels.

SUBJECT AREA TO BE ADDRESSED: Exemption from the requirement for individual metering in Rule 25-6.049, F.A.C.

SPECIFIC AUTHORITY: 366.05(1) FS.

LAW IMPLEMENTED: 366.05(1), 366.80, 366.81, 366.82 FS.

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

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

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: David Wheeler, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6670

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.049 Measuring Customer Service.

(1) through (4) No change.

(5)(a) Individual electric metering by the utility shall be required for each separate occupancy unit of new commercial establishments, residential buildings, condominiums, cooperatives, marinas, and trailer, mobile home and recreational vehicle parks. However, individual metering shall not be required for any such occupancy unit for which a construction permit was issued before, and which has received master-metered service continuously since, is commenced after January 1, 1981. In addition, individual electric meters shall not, however, be required:

(a)1- No change.

(b)2- No change.

(c)3- For electricity used in specialized-use housing accommodations such as hospitals, nursing homes, living facilities located on the same premises as, and operated in conjunction with, a nursing home or other health care facility providing at least the same level and types of services as a nursing home, convalescent homes, facilities certificated under Chapter 651, Florida Statutes, college dormitories, convents, sorority houses, fraternity houses, ~~motels, hotels,~~ and similar facilities;

(d) For lodging establishments such as hotels, motels, and similar facilities which are rented, leased, or otherwise provided to guests by an operator providing overnight occupancy as defined in paragraph (8)(b).

(e)4- For separate, specially-designated areas for overnight occupancy, as defined in paragraph (8)(b), at trailer, mobile home and recreational vehicle parks and marinas where permanent residency is not established.

(f)5- For new and existing time-share plans, provided that all of the occupancy units which are served by the master meter or meters are committed to a time-share plan as defined in Section 721, Florida Statutes, and none of the occupancy units are used for permanent occupancy. ~~When a time-share plan is converted from individual metering to master metering, the customer must reimburse the utility for the costs incurred by the utility for the conversion. These costs shall include, but not be limited to, the undepreciated cost of any existing distribution equipment which is removed or transferred to the ownership of the customer, plus the cost of removal or relocation of any distribution equipment, less the salvage value of any removed equipment.~~

(g) For condominiums that meet the following criteria:

1. The declaration of condominium requires that at least 95 percent of the units are used solely for overnight occupancy as defined in paragraph (8)(b) of this rule;

2. A registration desk, lobby and central telephone switchboard are maintained; and,

3. A record is kept for each unit showing each check-in and check-out date for the unit, and the name(s) of the individual(s) registered to occupy the unit between each check-in and check-out date.

(6) Master-metered condominiums.

(a) Initial Qualifications – In addition to the criteria in paragraph (5)(g), in order to initially qualify for master-metered service, the owner or developer of the condominium, the condominium association, or the customer must attest to the utility that the criteria in paragraph (5)(g) and in this subsection have been met, and that any cost of future conversion to individual metering will be the responsibility of the customer, consistent with subsection (7) of this rule. Upon request and reasonable notice by the utility, the utility shall be allowed to inspect the condominium to collect evidence needed to determine whether the condominium is in compliance with this rule. If the criteria in paragraph (5)(g) and in this subsection are not met, then the utility shall not provide master-metered service to the condominium.

(b) Ongoing Compliance – The customer shall attest annually, in writing, to the utility that the condominium meets the criteria for master metering in paragraph (5)(g). The utility shall establish the date that annual compliance materials are due based on its determination of the date that the criteria in paragraphs (5)(g) and (6)(a) were initially satisfied, and shall inform the customer of that date before the first annual notice

is due. The customer shall notify the utility within 10 days if, at any time, the condominium ceases to meet the requirements in paragraph (5)(g).

(c) Upon request and reasonable notice by the utility, the utility shall be allowed to inspect the condominium to collect evidence needed to determine whether the condominium is in compliance with this rule.

(d) Failure to comply – If a condominium is master metered under the exemption in this rule and subsequently fails to meet the criteria contained in paragraph (5)(g), or the customer fails to make the annual attestation required by paragraph (6)(b), then the utility shall promptly notify the customer that the condominium is no longer eligible for master-metered service. If the customer does not respond with clear evidence to the contrary within 30 days of receiving the notice, the customer shall individually meter the condominium units within six months following the date on the notice. During this six month period, the utility shall not discontinue service based on failure to comply with this rule. Thereafter, the provisions of Rule 25-6.105, F.A.C., apply.

(7) When a structure or building is converted from individual metering to master metering, or from master metering to individual metering, the customer shall be responsible for the costs incurred by the utility for the conversion. These costs shall include, but not be limited to, any remaining undepreciated cost of any existing distribution equipment which is removed or transferred to the ownership of the customer, plus the cost of removal or relocation of any distribution equipment, less the salvage value of any removed equipment.

(8)(b) For purposes of this rule:

(a)1- “Occupancy unit” means that portion of any commercial establishment, single and multi-unit residential building, or trailer, mobile home or recreational vehicle park, or marina which is set apart from the rest of such facility by clearly determinable boundaries as described in the rental, lease, or ownership agreement for such unit.

2- The construction of a new commercial establishment, residential building, marina, or trailer, mobile home or recreational vehicle park shall be deemed to commence on the date when the building structure permit is issued.

(b)3- “Overnight Occupancy” means use of an occupancy unit for a short term such as per day or per week where permanent residency is not established.

4- The term “cost”, as used herein means only those charges specifically authorized by the electric utility’s tariff, including but not limited to the customer, energy, demand, fuel, and conservation charges made by the electric utility plus applicable taxes and fees to the customer of record responsible for the master meter payments. The term does not include late payment charges, returned check charges, the cost of the distribution system behind the master meter, the cost of billing, and other such costs.

(9)(6)(a) Where individual metering is not required under subsection (5) and master metering is used in lieu thereof, reasonable apportionment methods, including sub-metering may be used by the customer of record or the owner of such facility solely for the purpose of allocating the cost of the electricity billed by the utility. The term “cost”, as used herein means only those charges specifically authorized by the electric utility’s tariff, including but not limited to the customer, energy, demand, fuel, conservation, capacity and environmental charges made by the electric utility plus applicable taxes and fees to the customer of record responsible for the master meter payments. The term does not include late payment charges, returned check charges, the cost of the customer-owned distribution system behind the master meter, the customer of record’s cost of billing the individual units, and other such costs.

(b) through (c) No change.

Specific Authority 366.05(1) FS. Law Implemented 366.05(1), 366.05(3), 366.80, 366.81, 366.82 FS. History—Amended 7-29-69, 11-26-80, 12-23-82, 12-28-83, Formerly 25-6.49, Amended 7-14-87, 10-5-88, 3-23-97.

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

RULE CHAPTER TITLE: Consumptive Uses of Water
 RULE CHAPTER NO.: 40A-2

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to reduce the permitting requirements for certain water users whose withdrawals pose minimal impact to the water resources, expedite remediation of contaminated ground water, describe reservations, and clarify rule language.

SUBJECT AREA TO BE ADDRESSED: Permitting of water uses, describing of reservations, and providing of definitions.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.216, 373.219, 373.223 FS.

LAW IMPLEMENTED: 373.171, 373.216, 373.219, 373.223 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, 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., December 19, 2005

PLACE: Northwest Florida Water Management District, 81 Water Management Drive, Governing Board Conference Room, Havana, Florida 32333-4711

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Terri Peterson, Northwest Florida Water Management District, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, (850)539-2777 (fax)

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Optometric Services
 RULE NO.: 59G-4.210

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2006. The coverage and limitations handbook revisions include policy clarifications and updated billing information. The effect will be to incorporate by reference in the rule the Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2006.

SUBJECT AREA TO BE ADDRESSED: Optometric Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.9081 FS.

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

TIME AND DATE: 10:00 a.m., Monday, December 19, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jason Ottinger, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.210 Optometric Services.

(1) No change.

(2) All optometric practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2006 2005, updated January 2005, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500 and Child Health Check Up 221, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.9081 FS. History--New 4-13-93, Amended 7-1-93, Formerly 10C-7.069, Amended 12-21-97, 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03, 5-24-05, 8-18-05, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Transportation Services
 RULE NO.: 59G-4.330

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Non-Emergency Transportation Services Coverage and Limitations Handbook, July 2005. The revised handbook includes the provision of non-emergency transportation services through a contracted vendor. The effect will be to incorporate the Florida Medicaid Non-Emergency Transportation Services Coverage and Limitations Handbook, July 2005, into rule.

SUBJECT AREA TO BE ADDRESSED: Transportation Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.907, 409.908, 409.9081, 409.910, 409.913 FS.

IF REQUESTED WITHIN 14 DAYS BY AN AFFECTED PERSON 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., Monday, December 19, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Glen Davis, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7305

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.330 Transportation Services.

(1) No change.

(2) All non-emergency transportation providers who provide transportation to Medicaid recipients must comply with the provisions of the Florida Medicaid Non-Emergency Transportation Services Coverage and Limitations and Reimbursement Handbook, July 2005 1997, incorporated by reference. The handbook is available from the Medicaid fiscal agent.

(3) All ambulance transportation providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Ambulance Transportation Services Coverage, Limitations and Reimbursement Handbook, July 2005, incorporated by reference. The handbook is available from the Medicaid fiscal agent.

(4) The following forms that are included in the Florida Medicaid Ambulance Transportation Services Coverage, Limitations and Reimbursement Handbook are incorporated by reference: the Emergency Transportation 131 Claim Form,

10/2003, and the Non-Emergency Transportation 131-A Claim Form, 10/2003. The forms are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.9081, 409.910, 409.913 FS. History—New 1-1-77, Amended 10-1-77, 1-27-81, 8-28-84, Formerly 10C-7.45, Amended 4-13-93, Formerly 10C-7.045, Amended 1-7-98,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Visual Services
 RULE NO.: 59G-4.340

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2006. The coverage and limitations handbook revisions include policy clarifications and updated billing information. The effect will be to incorporate by reference in the rule the Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2006.

SUBJECT AREA TO BE ADDRESSED: Visual Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, FS.

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

TIME AND DATE: 10:00 a.m., Monday, December 19, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jason Ottinger, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.340 Visual Services.

(1) No change.

(2) All visual services practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2006 ~~2004~~, updated January 2005, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 7-30-80, Formerly 10C-7.521, Amended 4-20-93, 8-25-93, Formerly 10C-7.0521, Amended 12-21-97, 10-13-98, 6-10-99, 4-23-00, 1-23-02, 2-20-03, 8-5-03, 10-12-04, 8-18-05,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Administrative Sanctions on Providers, Entities, and Persons
 RULE NO.: 59G-9.070

PURPOSE AND EFFECT: This rule shall provide notice of administrative sanctions and disincentives imposed upon a provider, entity, or person who either directly or indirectly causes monies to be improperly expended by the Medicaid program of the sanctions that can be imposed for each violation of any Medicaid-related law, rule, provision, handbook, or policy. The Agency shall have the authority to deviate from the sanctions for the reasons stated within this rule

SUBJECT AREA TO BE ADDRESSED: Rule 59G-9.070, F.A.C.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.907, 409.913, 409.9131, 409.920, 812.035 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS BY AN AFFECTED PERSON 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. – 10:00 a.m., Friday, January 6, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kimberly Noble, Medicaid Program Integrity, 2727 Mahan Drive, Building 3, Mail Stop 6, Tallahassee, Florida 32308-5407, (850)413-9290

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-9.070 Administrative Sanctions on Providers, Entities, and Persons.

(1) PURPOSE: The purpose of this rule is to provide notice of administrative sanctions and disincentives imposed upon a provider, entity, or person for each violation of any Medicaid-related law. The Agency shall have the authority to deviate from the guidelines for the reasons stated within this rule. Notice of administrative sanctions imposed will be by way of written correspondence and shall constitute Agency action pursuant to Chapter 120, F.S.

(2) DEFINITIONS: The following terms used within this rule shall have the meanings as set forth below:

(a) “Abuse” is as defined in Section 409.913(1)(a), F.S.

(b) “Agency” is as defined in Section 409.901(2), F.S.

(c) "Claim" is as defined in Section 409.901(5), F.S., and shall also include per diem payments and the payment of a capitation rate for a Medicaid recipient. For the purposes of this rule, "per diem payments" means the total monthly payment to the provider for a specific recipient.

(d) "Complaint" is as defined in Section 409.913(1)(b), F.S.

(e) An act shall be deemed "Committed", as it relates to abuse or neglect of a patient, or of any act prohibited by Section 409.920, F.S., upon receipt by the Agency of reliable information of commission of patient abuse or neglect, or of violation of Section 409.920, F.S.

(f) "Comprehensive follow-up reviews" or "Follow-up reviews" shall have the same meaning throughout this rule, and can be used interchangeably. The two phrases mean evaluations of providers every 6 months, until the Agency determines that the reviews are no longer required. Such evaluations will result in a determination regarding whether a further compliance audit, or other regulatory action is required.

(g) "Contemporaneous", as it relates to a provider's requirement to maintain records and produce records upon request, means records created within the standard and customary timeframe applicable to the provider's trade or profession; but not longer than any timeframe specified in Medicaid laws or the laws that govern the provider's profession.

~~(h)(g)~~ "Conviction" is as defined in Section 409.901(7), F.S.

~~(i)(h)~~ "Corrective action plan" means the process or plan by which the provider will ensure future compliance with state and federal Medicaid laws, the laws that govern the provider's profession, or the Medicaid provider agreement. A corrective action plan will remain in effect until the Agency determines that it is no longer necessary, but no longer than 3 years. For purposes of this rule, the sanction of a corrective action plan shall take the form of an "acknowledgement statement", "provider education", a "self audit", or a "comprehensive quality assurance program", all of which are further described in subsection (10) of this rule.

~~(j)(i)~~ An "erroneous" claim is an application for payment from the Medicaid program or its fiscal agent that contains an inaccuracy.

~~(k)(j)~~ "Fine" is a monetary sanction. The amount of a fine shall be as set forth within this rule.

~~(l)(k)~~ A "false" claim is as provided for in the Florida False Claims Act set forth in Chapter 68, F.S.

~~(m)(l)~~ "Fraud" is as defined in Section 409.913(1)(c), F.S.

~~(n)(m)~~ "Medical necessity" or "medically necessary" is as defined in Section 409.913(1)(d) F.S.

~~(o)(n)~~ "Medicaid-related record" is as defined in Section 409.901(19), F.S.

~~(p)(o)~~ "Overpayment" is as defined in Section 409.913(1)(e), F.S.

(q) "Patient Record" means the file maintained by the provider to document the delivery of goods or services; the file shall be maintained in the standard and customary practice applicable to the provider's trade or profession; but not in a fashion that is contrary to Medicaid laws or the laws that govern the provider's profession.

~~(r)(p)~~ "Patient Record Request" means a request by the Agency to a provider, entity, or person for Medicaid-related documentation or information. Such requests are not limited to Agency audits to determine overpayments or violations. Each requesting document constitutes a single Patient Record Request. The Agency is not limited to making one Patient Record Request at a time to a provider, entity, or person. Each request shall be considered separate and distinct for purposes of this rule.

~~(s)(q)~~ "Pattern" is defined as follows:

1. As it relates to paragraph (7)(d) of this rule (generally, failing to maintain Medicaid-related records), a pattern is sufficiently established if within a single Agency action:

a. There are five or more claims within any one a patient record for which ~~supporting~~ documentation is not maintained; or

(b) There is more than one patient ~~record~~ for which no patient record ~~supporting documentation~~ is maintained.

2. As it relates to paragraph (7)(e) of this rule (generally, failure to comply with the provisions of Medicaid laws, the laws that govern the provider's profession, or the Medicaid provider agreement), a pattern is sufficiently established if within a single Agency action:

a. The number of individual claims found to be in violation is greater than 6.25 percent of the total claims that ~~were reviewed to support~~ are the subject of the Agency action; or

~~b. The number of individual claims found to be in violation is greater than 6.25 percent of the claims in a sample that are the subject of the Agency action, where a sample was used to determine the appropriateness of the claims to Medicaid;~~

~~b.e. The overpayment determination by the Agency is greater than 6.25 percent of the amount paid for the total claims that were reviewed to support are the subject of the Agency action;~~ or;

~~d. The overpayment determination by the Agency is greater than 6.25 percent of the amount paid for the claims in a sample that are the subject of the Agency action, where a sample was used to determine the appropriateness of the claims to Medicaid.~~

3. As it relates to paragraph (7)(g) of this rule (generally, failing to provide goods or services that are medically necessary), a pattern is sufficiently established if within a single Agency action:

~~a. The number of instances individual claims found to be in violation is greater than one percent of the total claims that are the subject of the Agency action;~~

~~b. The number of individual claims found to be in violation is greater than one percent of the claims in a sample that are the subject of the Agency action, where a sample was used to determine the appropriateness of the claims to Medicaid;~~

~~e. The overpayment determination by the Agency is greater than one percent of the amount paid for the total claims that are the subject of the Agency action; or,~~

~~d. The overpayment determination by the Agency is greater than one percent of the amount paid for the claims in a sample that are the subject of the Agency action, where a sample was used to determine the appropriateness of the claims to Medicaid.~~

4. As it relates to paragraph (7)(h) of this rule (generally, submitting erroneous claims), a pattern is sufficiently established if within a single Agency action:

a. The number of individual claims found to be erroneous is greater than 6.25 percent of the total claims that were reviewed to support ~~are the subject of the Agency action; or~~

~~b. The number of erroneous claims identified is greater than 6.25 percent of the claims in a sample that are the subject of the Agency action, where a sample was used to determine the appropriateness of the claims to Medicaid;~~

~~b.e. The overpayment determination by the Agency, as a result of the erroneous claims, is greater than 6.25 percent of the amount paid for the total claims that were reviewed to support ~~are the subject of the Agency action; or,~~~~

~~d. The overpayment determination by the Agency, as a result of the erroneous claims, is greater than 6.25 percent of the amount paid for the claims in a sample that are the subject of the Agency action, where a sample was used to determine the appropriateness of the claims to Medicaid.~~

~~(t)(+)~~ “Person” is as defined in Section 409.913(1)(f), F.S.

~~(u)(s)~~ “Provider” is as defined in Section 409.901(16), F.S. and for purposes of this rule, includes all of the provider’s locations that have the same base provider number (with separate locator codes).

~~(v)(+)~~ “Provider Group” is more than one individual provider practicing under the same tax identification number, enrolled in the Medicaid program as a group for billing purposes, and having one or more locations.

~~(w)(+)~~ “Sanction” shall be any monetary or non-monetary penalty imposed upon a provider, entity, or person (e.g., a provider, entity, or person being suspended from the Medicaid program.) A monetary sanction under this rule may be referred to as a “fine.” A sanction may also be referred to as a disincentive.

~~(x)(+)~~ “Single Agency action” means an audit or review that results in notice to the provider of violations of Medicaid laws, the laws that govern the provider’s profession, or the Medicaid provider agreement.

~~(y)(w)~~ “Suspension” is a one-year preclusion from any action that results in a claim for payment to the Medicaid program as a result of furnishing, supervising a person who is furnishing, or causing a person to furnish goods or services.

~~(z)(*)~~ “Termination” is a twenty-year preclusion from any action that results in a claim for payment to the Medicaid program as a result of furnishing, supervising a person who is furnishing, or causing a person to furnish goods or services.

~~(aa)(y)~~ “Violation” means any omission or act performed by a provider, entity, or person that is contrary to Medicaid laws, the laws that govern the provider’s profession, or the Medicaid provider agreement.

1. For purposes of this rule, each day that an ongoing violation continues and each instance of an act or omission contrary to a Medicaid law, a law that governs the provider’s profession, or the Medicaid provider agreement shall be considered a “separate violation”.

2. For purposes of determining first, second, third, fourth, fifth, or subsequent violations of this rule:

a. A violation existed even if the matter is resolved by repayment of an overpayment, settlement agreement, or other means.

b. The same violation means a subsequent determination by the Agency, that the person, provider, or entity is in violation of the same provision of state or federal Medicaid laws, the laws that govern the provider’s profession, or the Medicaid provider agreement.

(3) VIOLATIONS AND SANCTIONS: The identification of violations given herein is descriptive only. The full language of each statutory provision cited must be consulted in order to determine the conduct included.

(4) FACTORS TO BE USED IN DETERMINING LEVEL OF SANCTION:

~~(a)~~ Except for the mandatory suspension and termination provision in subsection (6) of this rule, when determining the type, amount, and duration of the sanction to be applied, the Agency shall consider each of the factors set forth in Section 409.913(17), F.S., as mitigation to the sanction set forth ~~in conjunction with subsection (10) of this rule. This rule does not give any one listed factor greater importance or weight over any other. However, the Agency shall have the discretion to rely upon the circumstances of the violation or violations in conjunction with any one or all of the listed factors to determine the sanction that is ultimately applied. These factors will also be utilized for any deviation by the Agency from the sanctions for each violation, as set forth in subsection (10) of this rule.~~

(b) For the first agency action against a provider after July 1, 2005, where a final overpayment is identified and a fine is to be imposed as a result of the violations giving rise to that overpayment, the cumulative amount of the fine shall not exceed thirty-percent of the amount of the overpayment. Where the fine does exceed thirty-percent of the amount of the overpayment, the fine shall be adjusted to thirty-percent of the amount of the overpayment.

(c) For the second agency action against a provider after July 1, 2005, where a final overpayment is identified and a fine is to be imposed as a result of the violations giving rise to that overpayment, the cumulative amount of the fine shall not exceed fifty-percent of the amount of the overpayment. Where the fine does exceed fifty-percent of the amount of the overpayment, the fine shall be adjusted to thirty-percent of the amount of the overpayment.

(d) For all subsequent agency actions against a provider after July 1, 2005, where a final overpayment is identified and a fine is to be imposed as a result of the violations giving rise to that overpayment, the cumulative amount of the fine shall not exceed the amount of the overpayment. Where the fine does exceed the amount the overpayment, the fine shall be adjusted to the amount of the overpayment.

(e) Sanctions only apply at the final agency action.

(f) Where the final agency action results in a final overpayment determination that is less than \$5,000, any fine that is to be imposed as a result of the violations giving rise to that overpayment shall be waived.

1. However, where waiving the fine results in no sanction being imposed, the sanction of a corrective action plan in the form of a provider acknowledgement statement shall be imposed.

2. Fines that are to be imposed as a result of violations that do not give rise to an overpayment are not waived.

(g) Where the Agency has instituted an amnesty program pursuant to Section 409.913(25)(e), F.S., sanctions will not apply.

(5) APPLICATION TO INDIVIDUALS OR LOCATIONS RATHER THAN TO A PROVIDER GROUP:

(a) Based upon the circumstances present in each individual matter, the Agency shall have the discretion to take action to sanction a particular Medicaid provider, entity, or person working for a Medicaid provider group, or to sanction a specific location, rather than, or in addition to, taking action against an entire Medicaid provider group.

(b) If the Agency chooses to sanction a particular (individual) provider, entity, or person working with a Medicaid provider group or in a particular location, the other members of the Medicaid provider group and the providers in the other locations must fully cooperate in the audit or investigation conducted by the Agency, and the Agency must determine if:

1. The individual provider, entity, or person working with the Medicaid provider group is directly responsible for the violation(s);

2. The Medicaid provider group was unaware of the actions of the individual provider, entity, or person; and,

3. The Agency has not previously taken a preliminary or final Agency action against the group provider for the same violation(s) within the past five years from the date of the violation, unless the Agency determines that the individual provider, entity, or person was responsible for the prior violation.

(6) MANDATORY TERMINATION OR SUSPENSION: Whenever a provider has been suspended or terminated from participation in the Medicaid or Medicare program by the federal government or any state or territory, the Agency shall immediately suspend (if suspended) or terminate (if terminated), the provider's participation in the Florida Medicaid program for a period no less than that imposed by the federal government or the state or territory, and shall not enroll such provider in the Florida Medicaid program while such foreign suspension or termination remains in effect. Additionally, all other remedies provided by law, including all civil remedies, and other sanctions, shall apply. [Section 409.913(14), F.S.]

(7) SANCTIONS: Except when the Secretary of the Agency determines not to impose a sanction, pursuant to Section 409.913(16)(j), F.S., sanctions shall be imposed for the following:

(a) The provider's license has not been renewed by the licensing agency in Florida, or has been revoked, suspended, or terminated, by the licensing agency of any state. [Section 409.913(15)(a), F.S.];

(b) Failure to make available within the timeframe requested by the Agency or other mutually agreed upon timeframe, or to refuse access to Medicaid-related records sought by any investigator. [Section 409.913(15)(b), F.S.];

(c) Failure to make available or furnish all Medicaid-related records, to be used by the Agency in determining whether Medicaid payments are or were due, and what the appropriate corresponding Medicaid payment amount should be within the timeframe requested by the Agency or other mutually agreed upon timeframe. [Section 409.913(15)(c), F.S.];

(d) Failure to maintain contemporaneous Medicaid-related records and prior authorization records, if prior authorization is required, that demonstrate both the necessity and appropriateness of the good or service rendered. [Section 409.913(15)(d), F.S.];

(e) Failure to comply with the provisions of the Medicaid provider publications that have been adopted by reference as rules, Medicaid laws, the requirements and provisions in the provider's Medicaid provider agreement, or the certification

found on claim forms or transmittal forms for electronically submitted claims by the provider or authorized representative. [Section 409.913(15)(e), F.S.];

(f) Furnishing or ordering goods or services that are out of compliance with the practice standards governing the provider's profession, are excessive, of inferior quality, or that are found to be harmful to the recipient. [Section 409.913(15)(f), F.S.];

(g) A pattern of failure to provide goods or services that are medically necessary. [Section 409.913(15)(g), F.S.];

(h) Submitting, or causing to be submitted, false or a pattern of erroneous Medicaid claims. [Section 409.913(15)(h), F.S.];

(i) Submitting, or causing to be submitted, a Medicaid provider enrollment application or renewal forms, a request for prior authorization for Medicaid services, or a Medicaid cost report containing information that is either materially false or materially incorrect. [Section 409.913(15)(i), F.S.];

(j) Collecting or billing a recipient or a recipient's responsible party for goods or services improperly. [Section 409.913(15)(j), F.S.];

(k) Including costs in a cost report that are not authorized allowed under the Medicaid state reimbursement plan or that are authorized but were disallowed during the audit process, even though the provider or authorized representative had previously been advised via an audit exit conference or audit report that the costs were not allowable. However, if the unallowed costs are the subject of an administrative hearing pursuant to Chapter 120, F.S., sanctions shall not be imposed. Additionally, a provider is only considered to have been previously advised that the costs were not allowable if the provider was advised in writing via an audit exit conference that the cost is not allowed or has been issued an audit report, either of which were provided in the previous five years. [Section 409.913(15)(k), F.S.];

(l) Being charged, whether by information or indictment, with fraudulent billing practices. [Section 409.913(15)(l), F.S.];

(m) A finding or determination that a provider, entity, or person is negligent for ordering or prescribing a good or service to a patient, which resulted in the patient's injury or death. [Section 409.913(15)(m), F.S.];

(n) During a specific audit or review period, failure to demonstrate sufficient quantities of goods, or sufficient time in the case of services, that support the corresponding billings or claims made to the Medicaid program. [Section 409.913(15)(n), F.S.];

(o) Failure to comply with the notice and reporting requirements of Section 409.907, F.S. [Section 409.913(15)(o), F.S.];

(p) A finding or determination that a provider, entity, or person committed patient abuse or neglect, or any act prohibited by Section 409.920, F.S. [Section 409.913(15)(p), F.S.];

(q) Failure to comply with any of the terms of a previously agreed-upon repayment schedule. [Sections 409.913(15)(q), F.S.];

(8) ADDITIONAL VIOLATIONS SUBJECT TO TERMINATION: In addition to the termination authority, the Agency shall have the authority to concurrently seek civil remedies or impose other sanctions.

(a) The Agency shall impose the sanction of termination for each violation of:

1. Section 409.913(13)(a), F.S. (generally, a provider is convicted of a criminal offense related to the delivery of any health care goods or services);

2. Section 409.913(13)(b), F.S. (generally, a provider is convicted of a criminal offense relating to the practice of the provider's profession); or

3. Section 409.913(13)(c), F.S. (generally, a provider is found by a court, administrative law judge, hearing officer, administrative or regulatory board, or final agency action to have neglected or physically abused a patient).

(b) For non-payment or partial payment where monies are owed to the Agency, and failure to enter into a repayment agreement, in accordance with Section 409.913(25)(c), F.S. (generally, a provider who has a debt to the Agency, who has not made full payment, and who fails to enter into a repayment schedule), the Agency shall impose the sanction of a \$5,000 fine; and, where the provider remains out of compliance for 30 days, suspension; and, where the provider remains out of compliance for more than 180 days, termination.

(c) For failure to reimburse an overpayment, in accordance with Section 409.913(30), F.S. (generally, a provider that fails to repay an overpayment or enter into a repayment agreement within 35 days after the date of a final order), the Agency shall impose the sanction of a \$5,000 fine; and, where the provider remains out of compliance for 30 days, suspension; and, where the provider remains out of compliance for more than 180 days, termination.

(9) REPORTING SANCTIONS: The Agency shall report sanctions in accordance with Section 409.913(24), F.S.

(10) GUIDELINES FOR SANCTIONS.

(a) The Agency's authority to impose sanctions on a provider, entity, or person shall be in addition to the Agency's authority to recover a determined overpayment, other remedies afforded to the Agency by law, appropriate referrals to other agencies, and any other regulatory actions against the provider.

(b) In all instances of violations that are subject to this rule, the Agency shall have the authority to impose liens against provider assets, including, but not limited to, financial

assets and real property, not to exceed the amount of fines or recoveries sought, including fees and costs, upon entry of an order determining that such moneys are due or recoverable.

(c) A violation is considered a:

1. First Violation – If, within the five years prior to the alleged violation date(s), the provider, entity, or person has not been deemed by the Agency in a prior Agency action to have committed the same violation;

2. Second Violation – If, within the five years prior to the alleged violation date(s), the provider, entity, or person has once been deemed by the Agency in a prior Agency action to have committed the same violation.

3. Third Violation – If, within the five years prior to the alleged violation date(s), the provider, entity, or person has twice been deemed by the Agency in prior Agency actions to have committed the same violation.

4. Fourth Violation – If, within the five years prior to the alleged violation date(s), the provider, entity, or person has three times been deemed by the Agency in prior Agency actions to have committed the same violation.

5. Fifth Violation – If, within the five years prior to the alleged violations date(s), the provider, entity, or person has four times been deemed by the Agency in prior Agency actions to have committed the same violation.

6. Subsequent Violation – If, within the five years prior to the alleged violation date(s) the provider, entity, or person has, five or more times, been deemed by the Agency in prior Agency actions to have committed the same violation.

(d) For purposes of determining whether a violation of paragraph (7)(e) of this rule is a first, second, third, fourth, fifth, or subsequent violation, previous violations of any provision of a provisions of the Medicaid provider publications that have been adopted by reference as rules, Medicaid laws, the requirements and provisions in the provider's Medicaid provider agreement, or the certification found on claim forms or transmittal forms for electronically submitted claims by the provider or authorized representative shall be considered a same violation.

~~(c)(4)~~ Multiple violations shall result in an increase in sanctions such that:

1. In the event the Agency determines in a single Agency action that a provider, entity, or person has committed violations of more than one section of this rule, the Agency shall cumulatively apply the sanction guideline associated with each section violated.

2. In the event the Agency determines in a single action that a provider, entity, or person has committed multiple violations of one section of this rule, unless the table in paragraph (10)(j) specifies otherwise, the Agency shall cumulatively apply the applicable sanctions for each separate violation of the section. However, the Agency shall not apply multiple violations to increase the level of violation (e.g., – from First Violation to Second Violation).

~~(f)(e)~~ For purposes of this rule, as used in the table below, a “corrective action plan” shall be a written document, submitted to the Agency, and shall either be an “acknowledgement statement”, “provider education”, “self audit”, or a “comprehensive quality assurance program”. The Agency will specify the type of corrective action plan required.

1. An “acknowledgement statement” shall be a typed document submitted within 15 days of the date of the Agency action that brought rise to this requirement. The document will acknowledge a requirement to adhere to the specific state and federal Medicaid laws, the laws that govern the provider’s profession, or the Medicaid provider agreement that are the subject of the Agency action. The Agency will confirm receipt of the statement and either accept or deny it as complying with this rule. If the acknowledgement statement is not acceptable to the Agency, the provider, entity, or person will be advised regarding the deficiencies. The provider will have 10 days to amend the statement.

2. “Provider Education” shall be successful completion of an educational course or courses that address the areas of non-compliance as determined by the Agency in the Agency action.

a. The provider, entity, or person will identify one or more individuals who are the Medicaid policy compliance individuals for the provider, and must include treating providers involved with the areas of non-compliance as well as billing staff, who must successfully complete the required education.

b. The provider will, within 30 days of the date of the Agency action that brought rise to this requirement, submit for approval the name of the course, contact information, and a brief description of the course intended to meet this requirement.

c. The Agency will confirm receipt of the course information and either accept or deny it as complying with this rule. If the course is denied by the Agency, the provider, entity, or person will be advised regarding the reasons for denial. The provider will have 10 days to submit additional course information.

d. Proof of successful completion of the provider education must be submitted to the Agency within 90 days of the date of the Agency action that brought rise to this requirement.

3. A “self-audit” is an audit of the provider’s claims to Medicaid for a specified period of time (the audit period) performed by the provider.

a. A self-audit is a detailed and comprehensive evaluation of the provider’s claims to Medicaid. The audit may be focused on particular issues or all state and federal Medicaid laws, the laws that govern the provider’s profession, or the Medicaid provider agreement. The Agency will specify the audit period as well as issues to be addressed. A summary of the audit work plan, including the audit methodology, must be

submitted to the Agency within 30 days of the date of the Agency action that brought rise to this requirement. The self-audit must be completed within 90 days of the date of the Agency action that brought rise to this requirement, or such other timeframe as mutually agreed upon by the Agency and the provider. The self-disclosure of violations will not result in additional sanctions imposed pursuant to this rule.

b. The provider is required to submit a detailed listing of paid claims found to be out of compliance with the specified state and federal Medicaid laws, the laws that govern the provider's profession, or the Medicaid provider agreement. The listing shall include the date of service, type of service (e.g., procedure code), treating provider, pay-to provider, date the claim was paid, transaction control number (TCN) for the claim, description of non-compliance, and any other information that would allow the Agency to verify the claim(s). The provider is also required to submit a detailed description regarding the audit methodology and overpayment calculation. The Agency will evaluate the self-audit and determine whether it is a valid evaluation of the provider's claims.

c. If the self-audit is accepted by the Agency, the provider shall be deemed to have been overpaid by the determined amount, and shall be required to repay that amount in full, or enter in and adhere to a repayment plan with the Agency, within 30 days of the date of the acceptance of the self-audit.

d. If the self-audit is not accepted, the provider will be advised regarding the reasons for denial. The provider will have 30 days to submit additional information to correct the deficiencies.

4. A "comprehensive quality assurance program" shall monitor the efforts of the provider, entity, or person in their internal efforts to comply with state and federal Medicaid laws, the laws that govern the provider's profession, and the Medicaid provider agreement.

a. The program shall contain at a minimum the following elements: identification of the physical location where the provider, entity, or person takes any action that may cause a claim to Medicaid to be submitted; contact information regarding the individual or individuals who are responsible for development, maintenance, implementation, and evaluation of the program; a separate process flow diagram that includes a step-by-step written description or flow chart indicating how the program will be developed, maintained, implemented, and evaluated; a complete description and relevant time frames of the process for internally maintaining the program, including a description of how technology, education, and staffing issues will be addressed; a complete description and relevant time frames of the process for implementing the program; and a complete description of the process for monitoring, evaluating, and improving the program.

b. A process flow diagram regarding the development of the program must be submitted to the Agency within 30 days from the date of the Agency action and must be updated every 30 days until the comprehensive quality assurance program is approved by the Agency. A process flow diagram regarding the maintenance, implementation, and evaluation of the program must be submitted to the Agency within 90 days from the date of the Agency action and must be updated every 30 days until the comprehensive quality assurance program is approved by the Agency.

c. The evaluation process must contain processes for conducting internal compliance audits, which include reporting of the audit findings to specific individuals who have the authority to address the deficiencies, and must include continuous improvement processes. The plan must also include the frequency and duration of such evaluations.

d. The Agency will review the process flow diagram and description of the development of the program and either approve the program or disapprove the program. If the Agency disapproves the program, specific reasons for the disapproval will be included, and the provider, entity, or individual shall have 30 days to submit an amended development plan.

e. Upon approval by the Agency of the development process of the program, the provider, entity, or person shall have 45 days to implement the program. The provider shall provide written notice to the Agency indicating that the program has been implemented.

f. The program must remain in effect for the time period specified in the Agency action and the provider must submit written progress reports to the Agency every 120 days, for the duration of the program.

5. Failure to timely comply with any of the timeframes set forth by the Agency, or to adhere to the corrective action plan in accordance with this section, shall result in a \$1000 fine per day of non-compliance. If a provider remains out of compliance for 30 days, the provider shall also be suspended from the Medicaid program until the provider is in compliance. If a provider remains out of compliance for 180 days, the provider shall be terminated from the Medicaid program.

~~(g)~~ The Agency's decision to discontinue follow-up reviews does not preclude future audits of any dates of service or issues, and shall not be used by the provider in any action should the Agency later determine overpayments existed.

~~(h)~~ For purposes of this rule, as used in the table below, a "suspension" shall preclude participation in the Medicaid program for one year from the date of the Agency action. A provider that is suspended shall not resume participation in the Medicaid program until the completion of the one-year term. To resume participation, the provider must submit a written request to the Agency, Bureau of Medicaid Program Integrity, to be reinstated in the Medicaid program. The request must include a copy of the notice of suspension issued by the

Agency, and a written acknowledgement regarding whether the violation(s) that brought rise to the suspension has been remedied. The provider may not resume participation in the Medicaid program until they receive written confirmation from the Agency indicating that participation in the Medicaid program has been authorized.

~~(i)(4)~~ For purposes of this rule, as used in the table below, a “termination” shall preclude participation in the Medicaid program for twenty years from the date of the Agency action. A provider who is terminated shall not resume participation in the Medicaid program until the completion of the twenty-year term. To resume participation, the provider must submit a complete and accurate provider enrollment application, which

will be accepted or denied in the standard course of business by the Agency. In addition to the application, the provider must include a copy of the notice of termination issued by the Agency, and a written acknowledgement regarding whether the violation(s) that brought rise to the termination has been remedied.

~~(i)(4)~~ Sanctions and disincentives shall apply in accordance with this rule, as set forth in the table below:

Violation Type/Section of Rule	First violation	Second violation	Third violation	Fourth violation	Fifth and Subsequent violations
(7)(a) The provider’s license has not been renewed by the licensing agency; or the license has been revoked, suspended, or terminated, by the licensing agency of any state. [409.913(15)(a), F.S.];	For licensure suspension: suspension from the Medicaid program for the duration of the licensure suspension; however, if the licensure suspension is to exceed 1 year and for all other violations: termination.	For licensure suspension: suspension from the Medicaid program for the duration of the licensure suspension; however, if the licensure suspension is to exceed 1 year and for all other violations: termination.	Termination.	Termination.	Termination.
(7)(b) Failure, upon demand, to make available or refuse access to, Medicaid-related records [409.913(15)(b), F.S.];	A \$1,000 fine per record request or instance of refused access; if after 30 days, the provider is still in violation, suspension until the records are made available or access is granted; if after 180 days, the provider is still in violation, termination.	A \$2,500 fine per record request or instance of refused access; if after 30 days, the provider is still in violation, suspension until the records are made available or access is granted; if after 180 days, the provider is still in violation, termination.	A \$5,000 fine per record request or instance of refused access; if after 30 days, the provider is still in violation, suspension until the records are made available or access is granted; if after 180 days, the provider is still in violation, termination.	A \$5,000 fine per record request or instance of refused access; if after 30 days, the provider is still in violation, suspension until the records are made available or access is granted; if after 180 days, the provider is still in violation, termination.	A \$5,000 fine per record request or instance of refused access; if after 30 days, the provider is still in violation, suspension until the records are made available or access is granted; if after 180 days, the provider is still in violation, termination.
(7)(c) Failure to furnish records, within time frames established by the Agency. [409.913(15)(c), F.S.];	A \$500 fine per record request; if after 30 days, the provider is still in violation, suspension until the records are made available; if after 180 days, the provider is still in violation, termination.	A \$1,000 fine per record request; if after 30 days, the provider is still in violation, suspension until the records are made available; if after 180 days, the provider is still in violation, termination.	A \$2,500 fine per record request; if after 30 days, the provider is still in violation, suspension until the records are made available; if after 180 days, the provider is still in violation, termination.	A \$5,000 fine per record request; if after 30 days, the provider is still in violation, suspension until the records are made available; if after 180 days, the provider is still in violation, termination.	A \$5,000 fine per record request; if after 30 days, the provider is still in violation, suspension until the records are made available; if after 180 days, the provider is still in violation, termination.

<p>(7)(d) Failure to maintain contemporaneous Medicaid-related records. [409.913(15)(d), F.S.];</p>	<p>A \$100 fine per claim for which supporting documentation is not maintained, <u>not to exceed \$1,500 per agency action</u>. For a pattern: a \$1000 fine per patient record for which any of the supporting documentation is not maintained, <u>not to exceed \$3,000 per agency action</u>; and submission of a corrective action plan in the form of an acknowledgement statement.</p>	<p>A \$200 fine per claim for which supporting documentation is not maintained, <u>not to exceed \$3,000 per agency action</u>. For a pattern: a \$2000 fine per patient record for which any of the supporting documentation is not maintained, <u>not to exceed \$6,000 per agency action</u>; and submission of a corrective action plan in the form of provider education.</p>	<p>A \$300 fine per claim for which supporting documentation is not maintained, <u>not to exceed \$4,500 per agency action</u>. For a pattern: a \$3000 fine per patient record for which any of the supporting documentation is not maintained, <u>not to exceed \$9,000 per agency action</u>; submission of a corrective action plan in the form of a comprehensive quality assurance program; and suspension.</p>	<p>Termination.</p>	<p>Termination.</p>
<p>(7)(e) Failure to comply with the provisions of Medicaid publications that have been adopted by reference as rules. [409.913(15)(e), F.S.];</p>	<p>A \$500 fine per provision, <u>not to exceed \$1,500 per agency action</u>. For a pattern: a \$1,000 fine per provision, <u>not to exceed \$3,000 per agency action</u>; and submission of a corrective action plan in the form of an acknowledgement statement.</p>	<p>A \$1,000 fine per provision, <u>not to exceed \$3,000 per agency action</u>. For a pattern: a \$2,000 fine per provision, <u>not to exceed \$6,000 per agency action</u>; and submission of a corrective action plan in the form of provider education.</p>	<p>A \$2,000 fine per provision, <u>not to exceed \$6,000 per agency action</u>; and submission of a corrective action plan in the form of an acknowledgement statement. For a pattern: a \$3,000 fine per provision, <u>not to exceed \$9,000 per agency action</u>; and submission of a corrective action plan in the form of a comprehensive quality assurance program.</p>	<p>A \$3,000 fine per provision, <u>not to exceed \$12,000 per agency action</u>; and submission of a corrective action plan in the form of provider education. For a pattern: a \$4,000 fine per provision, <u>not to exceed \$16,000 per agency action</u>; and suspension.</p>	<p>A \$5,000 fine per provision, <u>not to exceed \$20,000 per agency action</u>; and, suspension. For a pattern: termination.</p>
<p>(7)(f) Furnishing or ordering goods or services that are inappropriate, unnecessary or excessive, of inferior quality, or that are harmful. [409.913(15)(f), F.S.];</p>	<p>For harmful goods or services: a \$5000 fine for each instance, and suspension. For all others: a \$1,000 fine for each instance and submission of a corrective action plan in the form of provider education.</p>	<p>For harmful goods or services: a \$5,000 fine for each instance, and termination. For all others: a \$2,000 fine for each instance and submission of a corrective action plan in the form of a comprehensive quality assurance program.</p>	<p>For harmful goods or services: a \$5,000 fine for each instance, and termination. For all others: a \$3,000 fine for each instance and suspension.</p>	<p>Termination.</p>	<p>Termination.</p>
<p>(7)(g) A pattern of failure to provide goods or services that are medically necessary. [409.913(15)(g), F.S.];</p>	<p>A \$5,000 fine and submission of a corrective action plan in the form of provider education.</p>	<p>A \$5,000 fine for each instance; and suspension as well as the submission of a corrective action plan in the form of a comprehensive quality assurance program.</p>	<p>A \$5,000 fine for each instance; and suspension as well as the submission of a corrective action plan in the form of a comprehensive quality assurance program.</p>	<p>Termination.</p>	<p>Termination.</p>

(7)(h) Submitting false or a pattern of erroneous Medicaid claims. [409.913(15) (h), F.S.];	For false claims: Termination. For a pattern of erroneous claims: a \$2,500 \$1,000 fine for each claim in the pattern; and submission of a corrective action plan in the form of a comprehensive quality assurance program.	For false claims: Termination. For a pattern of erroneous claims: A \$5,000 \$2,000 fine for each claim in the pattern; and suspension; and upon the conclusion of the suspension, submission of a corrective action plan in the form of a comprehensive quality assurance program.	Termination.	Termination.	Termination.
(7)(i) Submitting certain documents containing information that is either materially false or materially incorrect. [409.913(15)(i), F.S.];	A \$10,000 fine for each separate violation; and suspension.	Termination.	Termination.	Termination.	Termination.
(7)(j) Collecting or billing a recipient improperly. [409.913(15)(j), F.S.];	A \$1,000 fine for each instance.	A \$2,500 fine for each instance.	A \$5,000 fine for each instance; and suspension.	A \$5,000 fine for each instance; and suspension.	Termination.
(7)(k) Including unallowable costs after having been advised. [409.913(15)(k), F.S.];	A \$5,000 fine for each unallowable cost.	A \$5,000 fine for each unallowable cost.	A \$5,000 fine for each unallowable cost.	A \$5,000 fine for each unallowable cost.	A \$5,000 fine for each unallowable cost.
(7)(l) Being charged with fraudulent billing practices. [409.913(15)(l), F.S.];	Suspension for the duration of the indictment. If the provider is found guilty, termination.	Suspension for the duration of the indictment. If the provider is found guilty, termination.	Suspension for the duration of the indictment. If the provider is found guilty, termination.	Suspension for the duration of the indictment. If the provider is found guilty, termination.	Suspension for the duration of the indictment. If the provider is found guilty, termination.
(7)(m) Negligently ordering or prescribing, which resulted in the patient's injury or death. [409.913(15) (m), F.S.];	Termination.	Termination.	Termination.	Termination.	Termination.
(7)(n) Failure to demonstrate sufficient quantities of goods or sufficient time to support the corresponding billings or claims made to the Medicaid program. [409.913(15)(n), F.S.];	A \$5,000 fine.	A \$5,000 fine and submission of a corrective action plan in the form of a comprehensive quality assurance program.	A \$5,000 fine and suspension.	Termination.	Termination.
(7)(o) Failure to comply with the notice and reporting requirements of s. 409.907. [409.913(15)(o), F.S.];	A \$1,000 fine.	A \$2,000 fine.	A \$3,000 fine.	A \$4,000 fine.	A \$5,000 fine.
(7)(p) Committing patient abuse or neglect, or any act prohibited by s. 409.920. [409.913(15)(p), F.S.];	A \$5,000 fine per instance, and suspension.	Termination.	Termination.	Termination.	Termination.
(7)(q) Failure to comply with an agreed-upon repayment schedule. [409.913(15)(q), F.S.];	A \$1,000 fine; and, where the provider remains out of compliance for 30 days, suspension; and, where the provider remains out of compliance for more than 180 days, termination.	A \$2,000 fine; and, where the provider remains out of compliance for 30 days, suspension; and, where the provider remains out of compliance for more than 180 days, termination.	A \$3,000 fine and suspension until in compliance; where the provider remains out of compliance for more than 180 days, termination.	A \$4,000 fine and suspension until in compliance; where the provider remains out of compliance for more than 180 days, termination.	A \$5,000 fine and suspension until in compliance; where the provider remains out of compliance for more than 180 days, termination.

Specific Authority Section 409.919 FS. Law Implemented Sections 409.907, 409.913, 409.9131, 409.920, 812.035 FS. History—New 4-19-05, Amended _____

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Written Examination for Swimming Pool Specialty Contractors

RULE NO.: 61G4-16.002

PURPOSE AND EFFECT: The Board proposes to describe written examinations for Swimming Pool Specialty Contractors.

SUBJECT AREA TO BE ADDRESSED: Written examinations for Swimming Pool Specialty Contractors.

SPECIFIC AUTHORITY: 120.53, 455.217(1), 489.113(6), 489.115(5) FS.

LAW IMPLEMENTED: 120.53, 455.217(1), 489.113(6), 489.115(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: Requirements for Evidence of Workers' Compensation Coverage

RULE NO.: 61G7-10.0014

PURPOSE AND EFFECT: The Board proposes development of this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Requirements for Evidence of Workers' Compensation Coverage.

SPECIFIC AUTHORITY: 468.522, 468.525, 468.529 FS.

LAW IMPLEMENTED: 468.3525, 468.529 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Knap, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Voluntary Certification Categories

RULE NO.: 61G19-6.016

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

SUBJECT AREA TO BE ADDRESSED: The Board proposes to delete rule language pertaining to specialty licenses.

SPECIFIC AUTHORITY: 468.606, 468.609(10) FS.

LAW IMPLEMENTED: 468.609(10) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-6.016 Voluntary Certification Categories.

The following voluntary certification categories are created. ~~All specialty licenses require a standard certification.~~

(1) through (6) No change.

Specific Authority 468.606, 468.609(10) FS. Law Implemented 468.609(10) FS. History--New 7-5-95, Amended 7-7-96, 8-6-97, 6-25-98, 12-28-00, 2-28-02, 4-7-03, 9-3-03,_____.

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

RULE CHAPTER TITLE: Human Resources

RULE CHAPTER NO.: 65-30

RULE TITLES: Disciplinary Standards

RULE NOS.: 65-30.001

General Principles

65-30.002

Status Upon Appointment

65-30.003

PURPOSE AND EFFECT: The purpose of this rulemaking is to implement, by rule, the recommendation of the Governor's Blue Ribbon Panel on Child Protection concerning re-hiring of certain specified former agency employees. Upon approval of the Administration Commission, the department will not hire,

re-hire, appoint or re-appoint persons former members of the Other-Personal-Service Temporary Employment System, the Career Service System, the Selected Exempt Service System, or the Senior Management Service System whose previous employment was terminated for cause, or pursuant to their resignation in lieu of termination or while the subject of a pending agency investigation.

SUBJECT AREA TO BE ADDRESSED: (NOTE: Notices of Development formerly published in the Florida Administrative Weekly identified these proposed rules as "65C-32, Appointments and Status", "65C-32.001, Disciplinary Standards", "65C-32.002, General Principles", and "65C-32.003, Status Upon Appointment". Pursuant to Rule 1S-1.001(9)(a), F.A.C., these rules have been renumbered to clarify their application to all Department employees.)

The Department of Management Services is given specific authority to adopt rules governing the administration of the State Personnel System. Pursuant to its authority, the Department of Management Services promulgated chapters 60L-33 and 60L-36. Chapter 60L-33, including Rule 60L-33.002(2), does not address the future employability or qualifications of persons previously determined by the Department of Children and Family Services and, where appropriate, the Public Employees Relations Commission, not to be a good candidate for employment with the Department of Children and Family Services. The Governor's Blue Ribbon Panel on Child Protection recommended that employees whose employment relationship with the Department of Children and Family Services is terminated either for cause, or pursuant to their resignation in lieu of dismissal, not be employed or re-employed. The Department of Children and Family Services implemented this recommendation of the Governor's Blue Ribbon Panel on Child Protection. These rules complete the implementation of the recommendations.

SPECIFIC AUTHORITY: 110.201, 110.217 FS.

LAW IMPLEMENTED: 110.131, 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 HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Thursday, December 22, 2005

PLACE: Department of Children and Family Services, 1317 Winewood Boulevard, Building 1, Room 103, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: David R. DiSalvo, Human Resources Director-DCF, 1317 Winewood Blvd., Building 1, Rm. 106C, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65-30.001 Disciplinary Standards.

(1) This rule sets forth the minimal standards of conduct that apply to all employees in the State Personnel System, violation of which may result in dismissal.

(2) Agencies within the State Personnel System perform a vast array of functions and deliver a wide variety of services. Some employees perform routine tasks in a safe office environment, while others engage in unpredictable life-threatening situations under the most demanding circumstances. Breach of a particular standard in one context might be less serious, while in another it might result in the loss of life or property. Accordingly, each agency shall have primary authority and responsibility for managing the conduct of its employees. If an agency deems it necessary to discipline an employee for violation of this rule, the agency may impose any discipline up to and including dismissal, taking into account the agency's unique mission and the individual facts and circumstances.

(3) Employees outside the permanent career service may be dismissed at will. Permanent career service employees may be suspended or dismissed only for cause, which shall include, but not be limited to, the following. Examples under the categories listed below are not exhaustive.

(a) Poor performance. Employees shall strive to perform at the highest level of efficiency and effectiveness; they shall do more than "just get by."

1. Employees are expected to be reliable and dependable, for example: to show up for work, ready to work, on a reliable basis; to observe established work hours and scheduled appointments; to complete work on time; and to obtain permission before being off work and to schedule leave in a manner that minimizes work disruption.

2. Employees are expected to be effective, for example: to organize their work; to stay focused on job related activities during work hours; to provide the level of effort necessary to get the job done; to demonstrate willingness and ability to make decisions and exercise sound judgment; to produce work that consistently meets or exceeds expectations; to accept responsibility for their actions and decisions; to adapt to changes in work assignments, procedures, and technology; and to be committed to improving individual performance.

(b) Negligence. Employees shall exercise due care and reasonable diligence in the performance of job duties.

(c) Inefficiency or inability to perform assigned duties. Employees shall, at a minimum, be able to perform duties in a competent and adequate manner.

(d) Insubordination. Employees shall follow lawful orders and carry out the directives of persons with duly delegated authority. Employees shall resolve any differences with management in a constructive manner.

(e) Violation of law or agency rules. Employees shall abide by the law and applicable rules and policies and procedures, including those of the employing agency and the

rules of the State Personnel System. All employees are subject to Part III of Chapter 112, Florida Statutes, governing standards of conduct, which agencies shall make available to employees. An agency may determine that an employee has violated the law even if the violation has not resulted in arrest or conviction. Employees shall abide by both the criminal law, for example, drug laws, and the civil law, for example, laws prohibiting sexual harassment and employment discrimination.

(f) Conduct unbecoming a public employee. Employees shall conduct themselves, on and off the job, in a manner that will not bring discredit or embarrassment to the state.

1. Employees shall be courteous, considerate, respectful, and prompt in dealing with and serving the public and co-workers.

2. Employees shall maintain high standards of honesty, integrity, and impartiality. Employees shall place the interests of the public ahead of personal interests. Employees shall not use, or attempt to use, their official position for personal gain or confidential information for personal advantage.

3. Employees shall protect state property from loss or abuse, and they shall use state property, equipment and personnel only in a manner beneficial to the agency.

(g) Misconduct. Employees shall refrain from conduct which, though not illegal or inappropriate for a state employee generally, is inappropriate for a person in the employee's particular position. For example, cowardice may be dishonorable in people generally, but it may be entirely unacceptable in law enforcement officers. By way of further example, people are generally free to relate with others, but it may be entirely unacceptable for certain employees to enter into certain relations with others, such as correctional officers with inmates.

(h) Habitual drug use. Agencies shall not tolerate violations of Florida's Drug Free Workplace Act, Section 112.0455, Florida Statutes, or other misuse of mood- or mind-altering substances, including alcohol and prescription medications.

(i) Conviction of any crime, including a plea of nolo contendere and a plea of guilty with adjudication withheld.

(4) Agencies are responsible for identifying instances of unacceptable behavior and for taking appropriate action. Before taking corrective action, an agency shall have evidence that the employee failed to comply with a standard or expectation.

(5) Agencies shall make known to permanent career service employees the procedures specified in Section 110.227, Florida Statutes. Section 110.227(5)(a), Florida Statutes, establishes procedures for suspension, reduction in pay, demotion, or dismissal of permanent career service employees. An agency taking such action shall, in addition to furnishing notice of intent to take such action, furnish the employee with written notice of final action. The written notice of final action shall advise the employee of appeal rights under Section

110.227(5)(a), Florida Statutes, under any applicable collective bargaining agreements, and under any other applicable statutory provisions, such as Parts VI or VIII of Chapter 112, Florida Statutes. The fourteen-day deadline for appeal established in Section 110.227(5)(a), Florida Statutes, shall be measured from the date the employee receives the written notice of final action.

(6) Employees whose employment relationship with the Department of Children and Family Services is terminated either for cause, or pursuant to their resignation in lieu of dismissal or while the subject of a Department investigation, will not be employed or re-employed.

Specific Authority 110.201 FS. Law Implemented 110.131, 110.201, 110.211, 110.213, 110.227, 110.403, 110.604, 110.605 FS. History—New _____.

65-30.002 General Principles.

(1) The Department of Children and Family Services shall fill established positions with one of the following types of appointments: original, promotion, demotion, or reassignment. All non-career service appointments shall be original appointments.

(2) Any person appointed to a position must meet any licensure, certification or registration requirements established for the position, and any required knowledge, skills, abilities, and any other requirements the Department establishes for the position, unless the appointment is with trainee or temporary status in accordance with paragraphs 65-30.002(2)(b) or (c), F.A.C.

(3) Employees on military leave shall be treated as if they had been continuously employed for purposes of status, pay, and other benefits.

(4) The Department of Children and Family Services may make an acting appointment of a current state employee to fill a vacancy within the senior management service or the selected exempt service. The employee shall continue to earn leave and receive benefits of the employee's permanent position. The Department may grant the employee a temporary salary increase during the acting appointment.

(5) Every employee not permanent in a position shall serve at the pleasure of the agency and shall be subject to any personnel action, including but not limited to, suspension, dismissal, reduction in pay, demotion, or reassignment, at the discretion of the Department. Except when taken with respect to career service employees permanent in their position, such personnel actions are exempt from the provisions of Section 110.227 and Chapter 120 of the Florida Statutes.

(6) An employee who has been terminated for cause, or has resigned in lieu of termination or while the subject of a Department investigation shall not be employed or re-employed by the Department of Children and Family Services.

Specific Authority 110.201, 110.217 FS. Law Implemented 110.131, 110.201, 110.211, 110.213, 110.227, 110.403, 110.604, 110.605 FS. History—New _____.

65-30.003 Status Upon Appointment.

(1) An employee appointed to fill a position in the career service shall be given status in accordance with the following:

(a) Overlap Status – An employee shall be given overlap status when appointed to perform the duties of another employee in a filled position. Time spent on overlap status shall count toward completion of a probationary period if, while on overlap status, the employee performed all of the duties of the position.

(b) Temporary Status – An employee shall be given temporary status when temporarily appointed to fill a vacant position. The appointment shall be for no more than 1040 hours during any twelve-month period, absent the Department of Management Services’ approval of a written request for extension. Time spent on temporary status shall not count toward completion of a probationary period.

(c) Trainee Status – An employee appointed to a position as a trainee shall be given trainee status in accordance with the trainee program developed by the agency. The program shall include an outline of the proposed pay schedule for the training period, including justification for the proposed schedule. Upon successful completion of the trainee program, the employee may be appointed to a position in the same broadband level requiring the same licensure, certification or registration requirement and required knowledge, skills, and abilities. An agency may approve appointments with trainee status in the following programs: cooperative education program; vocational rehabilitation or blind services program; agency trainee program; or return to work program. Time spent on trainee status shall not count toward completion of a probationary period.

(d) Probationary or Permanent Status – An employee shall be given probationary status or permanent status in accordance with the following:

1. Upon original appointment, promotion or demotion to a different broadband level, or any time an employee moves between agencies, an employee shall be given probationary status unless a demotion is to a position in which the employee has previously held permanent status in the agency or unless the legislature has designated that an employee shall be moved but shall not have status as a new employee.

2. An employee appointed on probationary status shall attain permanent status in the career service upon successful completion of the designated probationary period.

3. Time spent on military leave shall count toward completion of the employee’s probationary period, and an employee on military leave can attain permanent status while on such leave.

4. Part-time employees and employees filling shared employment positions shall attain permanent status in the same manner as full-time employees.

Specific Authority 110.201, 110.217, F.S. Law Implemented 110.131, 110.201, 110.211, 110.213, 110.227, 110.403, 110.604, 110.605 FS. History–New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: The Florida Fire Prevention Code
 RULE CHAPTER NO.: 69A-60

RULE TITLE: Non-Binding Interpretations of the Florida Fire Prevention Code
 RULE NO.: 69A-60.011

PURPOSE AND EFFECT: To adopt a rule providing for informal non-binding interpretations of the Florida Fire Prevention Code, as directed by Section 633.26, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Informal non-binding interpretations of the Florida Fire Prevention Code.

SPECIFIC AUTHORITY: 633.01, 633.26 FS.

LAW IMPLEMENTED: 633.26 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF A WORKSHOP IS NOT REQUESTED, NO WORKSHOP WILL BE HELD.

TIME AND DATE: 9:00 a.m., December 19, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342, tel. (850)413-3173, Fax (850)414-6119, email: Jim.Goodloe@FLDFS.COM.

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 Millicent King, (850)413-3173.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-60.011 Non-Binding Interpretations of the Florida Fire Prevention Code.

(1) Definitions. For purposes of this rule section:

(a) “Code” means the Florida Fire Prevention Code.

(b) “State Fire Marshal” means the Chief Financial Officer of the State of Florida acting as State Fire Marshal, or the Division of State Fire Marshal, as the context requires.

(c) “Organization” means the entity with which the State Fire Marshal enters into a contract to provide administrative services in support of informal, non-binding interpretations as described in Section 633.26, F.S.

(d) "Regional Interpretations Committee," or "RIC," means each committee providing an informal interpretations.

(2) Procedures. The following procedures apply to the organization and to each RIC.

(a) At least annually, the organization shall provide to the Division a list of all certified firesafety inspectors that are authorized to serve on a RIC in rendering interpretations, including proof of at least five-years' experience in performing firesafety inspections as a certified firesafety inspector.

(b) Each person to serve on a RIC must have on file with the Division Form DFS XX-XXX, rev. 09/05, which is hereby adopted and incorporated herein, and which may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, or by visiting the State Fire Marshal's website located at <http://www.fldfs.com/SFM/index.htm>.

(c) The name of each person to serve on a RIC must be on file with the Division at least 30 days before that person is permitted to voice an opinion or cast a vote as a member of a RIC on a request for a non-binding interpretation.

(d) Any RIC rendering an informal interpretation involving a public school must include at least one member employed by or who represents the local school board, or who was recommended by the Department of Education.

(e) Requests for non-binding interpretations of the Code shall be made as directed at the Division of State Fire Marshal website.

(f) The organization through its designated representative or representatives shall review each request for an informal interpretation.

1. If the request for informal interpretation does not qualify for consideration by the RIC, the organization shall so advise the requestor.

2. If the request for informal interpretation is proper, the organization shall assign it to a RIC.

3. If the RIC deems it appropriate or necessary, it is permitted to initiate a review process which solicits comments for development of a response.

(g) The RIC is not permitted to consider any comment unless the comment includes the name, employer if any, and contact information of the submitter. Anonymous comments shall not be presented to or considered by the RIC.

(h) The RIC shall prepare a response that is the result of a vote of at least a majority of the persons on the RIC.

(i) Each person on the RIC reviewing a request must be identified in the response including the results of any vote.

(j) Each meeting of each RIC must be recorded and such recordings shall be retained in accordance with the contract between the State Fire Marshal and the organization.

(k) Each meeting shall be in-person, or by phone, teleconference, video conference, or such other means that permit interactive communication among the RIC, the requesting party, and any other person or entity deemed appropriate by the RIC.

(l)1. The RIC shall submit its response to the organization which shall forward the response without comment or amendment to the requestor via electronic mail (email), if available and, if not available, by facsimile transmission or regular mail within 14 days of receipt of the question.

2. If a response will not or cannot for any reason be sent to the requestor within 14 days of receipt, the requestor shall be so notified by email, if available and, if not available, by facsimile transmission or regular mail. Such response shall be provided thereafter as soon as reasonably practicable, but not later than 30 days after submission of the request.

3. Each response shall also be sent via email to the Division of State Fire Marshal at the email address in the contract.

(m) Each response shall be posted on the organization's website.

(n) Each response is the opinion of each RIC rendering the same or a majority of the members of such RIC, and not the State Fire Marshal nor the organization, and shall create no legal right on the part of any person nor any legal duty on the part of the RIC, the organization, any individual, the State Fire Marshal, the State of Florida, nor any other person or entity.

(3)(a) No person is permitted to serve on any RIC considering any matter involving such person's own jurisdiction if he or she is the firesafety inspector for that jurisdiction whose duties by law, rule, or ordinance require or permit him or her to inspect any building or structure which is the subject of the request to the RIC, or if that person has provided input on the matter for the building or structure that is the subject of the request.

(b) Each person serving on a RIC shall serve at the pleasure of the State Fire Marshal or the organization and no person has any recourse against the State Fire Marshal or the organization for removal from the RIC except as otherwise provided by federal or state law.

Specific Authority 633.01, 633.26 FS. Law Implemented 633.26 FS. History--New_____.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE TITLE: Library Grant Programs

RULE NO.: 1B-2.011

PURPOSE, EFFECT AND SUMMARY: The purpose of this amendment is to revise the grant agreement for the Community Libraries in Caring grant program. Guidelines for this grant program are outlined in the application packet that contains information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, and application forms.

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

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

SPECIFIC AUTHORITY: 257.14, 257.15, 257.193 FS.

LAW IMPLEMENTED: 257.14, 257.15, 257.193 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW: (The hearing must be requested in writing by 5:00 p.m. Eastern Time, Thursday, December 29, 2005. If not requested, this hearing will not be held.)

TIME AND DATE: 9:00 a.m. Eastern Time, Wednesday, January 4, 2006

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-2.011 Library Grant Programs.

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

(g) The Community Libraries In Caring Program Application, effective 11-06-04; which contain instructions and application (Form DLIS/CLIC01), effective 11-06-04; Annual Report (Form DLIS/CLIC02), effective 11-06-04, and Grant Agreement (Form DLIS/CLIC03, effective 11-06-04, revised.

(3) through (4) No change.

Specific Authority 257.14, 257.15, 257.191, 257.192, 257.193, 257.24, 257.41(2) FS. Law Implemented 240.5186, 257.12, 257.14, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.192, 257.193, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42 FS. History—New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01, 3-20-02, 1-9-03, 12-28-03, 11-6-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marian Deeney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Judith A. Ring, Director, Division of Library and Information Services

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

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

DEPARTMENT OF LEGAL AFFAIRS

RULE TITLE: Written Statement Explaining Consumer Rights

RULE NO.: 2-30.001

Under Chapter 681, Florida Statutes;

Hearings Before Florida New Motor

Vehicle Arbitration Board

2-30.001

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to provide additional definitions of terms located in Chapter 681, Florida Statutes, and to update the forms incorporated by reference in Rule 2-30.001, F.A.C.

SUMMARY: The forms utilized by the Lemon Law Arbitration Program that are incorporated by reference in the rule are amended to reflect updated program procedures and statutory amendments. The definitions of "Repair attempt" and "Out-service-day" are amended to add the statutory term "nonconformity." A definition of "gross vehicle weight," is being added, along with a definition of "miles attributable to a consumer." Paragraph 2-30.001(1)(d), F.A.C., is eliminated as a result of statutory amendment. The rule is also amended to add a requirement that manufacturers of motor vehicles sold in Florida provide written notification to the Office of Attorney General, Lemon Law Arbitration Program giving the name and contact information of the person designated to receive notices on behalf of the manufacturer.

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: 681.103(3), 681.109(5), 681.1095, 681.118 FS.

LAW IMPLEMENTED: 681.102, 681.103, 681.104, 681.109, 681.1095 FS.

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

TIME AND DATE: 10:00 – 11:00 a.m., January 5, 2006

PLACE: Office of the Attorney General, The Leroy Collins Building, Room G19, 107 West Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet L. Smith, Office of the Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399-1050, (850)414-3500, email: jan_smith@oag.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

2-30.001 Written Statement Explaining Consumer Rights Under Chapter 681, Florida Statutes; Hearings Before Florida New Motor Vehicle Arbitration Board.

(1) The following documents are incorporated into these rules by reference:

~~(a) The publication entitled “Preserving Your Rights Under the Florida Lemon Law” DLA/LL001 (7/92), effective 6-25-96.~~

~~(b) The form entitled “Request for Arbitration,” DLA/LL-004 (rev. 2/96), effective 6-25-96.~~

~~(a)(e) The form entitled “Manufacturer’s Answer,” DLA/LL-006 (rev. ____ 3/98), effective ____ 9-15-98.~~

~~(b)(d) The forms entitled “Consumer’s Prehearing Information Sheet and Manufacturer’s Prehearing Information Sheet,” DLA/LL-007 and DLA/LL-007a (rev. ____ 3/98), effective ____ 9-15-98.~~

~~(c)(e) The forms entitled “Notice of Hearing,” DLA/LL-008 (rev. ____ 3/98) and DLA/LL-008a, effective ____ 9-15-98.~~

~~(d)(f) The publication entitled “Hearings Before the Florida New Motor Vehicle Arbitration Board,” DLA/LL-010 (rev. ____ 2/96, effective ____ 6-25-96.~~

~~(e)(g) The publication entitled “Consumer Guide to the Florida Lemon Law,” DLA/LL-011 (rev. ____ 3/98), effective ____ 9-15-98.~~

~~(f)(h) The form entitled “Notice of Hearing via Telephone Conference,” DLA/LL-008b (rev. ____ 3/98), effective ____ 9-15-98.~~

~~(i) The form entitled “Request for Mediation/Arbitration,” DLA/LL-012 (3/98), effective 9-15-98.~~

~~(g)(j) The form entitled “Request for Arbitration,” DLA/LL-005 (rev. ____ 3/98), effective ____ 9-15-98.~~

(2) For purposes of this rule chapter and the application of Chapter 681, F.S., the following definitions shall apply:

(a) Condition – A general problem (e.g., vehicle fails to start, vehicle runs hot, etc.) that may be attributable to a defect in more than one part.

(b) Repair attempt – The replacement of a component, or some adjustment made, to correct a nonconformity ~~substantial defect or condition covered by the manufacturer’s warranty.~~ An examination of a reported nonconformity ~~defect or condition,~~ without a subsequent adjustment or component

replacement, may constitute a repair attempt if it is later shown that repair work was justified. Examination or repair performed by anyone other than the manufacturer or its authorized service agent will not be considered a repair attempt.

(c) Out-of-service day – Any day, including weekends and holidays, when the motor vehicle is left at an authorized service agent or manufacturer’s designated repair facility for an examination or repair of one or more nonconformities ~~substantial defects or conditions covered by the manufacturer’s warranty.~~ The number of out-of-service days for each visit commences the day the vehicle is brought in to the repair facility for that repair work and ends the day the work is completed. If the vehicle is left at an authorized service agent for the performance of routine maintenance, repairs of minor defects, or repairs of ~~of~~ ~~on~~ defects first reported after the expiration of the Lemon Law Rights period, such days will not be considered out-of-service days.

~~(d) When calculating the running of the Lemon Law rights period as defined in Section 681.102(9), F.S. (1995), “24,000 miles of operation” means miles of operation by the consumer. If the consumer is a subsequent transferee as defined in Section 681.102(4), F.S., “24,000 miles of operation” means miles of operation by both the original consumer and the subsequent transferee.~~

~~(d) Gross vehicle weight – means the net, curb or actual weight of the truck, plus the weight of the load normally carried in it, including normal occupant(s), fuel and cargo.~~

~~(e) To calculate the reasonable offset for use defined in Section 681.102(20), F.S., “miles attributable to a consumer” shall not include the following:~~

~~1. Miles driven by the manufacturer or its authorized service agent during the course of an examination or repair of the nonconformity or nonconformities;~~

~~2. Reasonable miles driven by a consumer, or miles driven by a manufacturer or authorized service agent, to and from a manufacturer’s authorized service agent or designated repair facility for examination or repair of a nonconformity;~~

~~3. A pre-mediation or pre-arbitration test drive or inspection conducted by a manufacturer, its authorized service agent or an independent inspector appointed by a procedure;~~

~~4. Miles driven to an arbitration hearing or mediation conference conducted by a procedure, program or the board;~~

~~5. A test drive or inspection during a mediation conference or an arbitration hearing by or at the direction of a mediator or arbitrator of a procedure, program or the board.~~

(3) When a manufacturer responds to the written notification of a final repair opportunity set forth in Section 681.104(1)(a), F.S., the consumer must receive such response within 10 days from the date the manufacturer received the written notification from the consumer.

~~(4) Each manufacturer of motor vehicles sold in Florida must provide in writing the name, address, telephone number and facsimile number of the person designated to receive~~

notices on behalf of the manufacturer under Chapter 681, F.S. An Email address may be included. (Note: Dealers cannot be designated.) This written notice must be sent to the Office of the Attorney General, Lemon Law Arbitration Program, PL-01, The Capitol, Tallahassee, Florida 32399-1050. This information will be presumed correct unless it is updated in writing by the manufacturer. Failure to update the information will result in notices under Chapter 681, Florida Statutes (the "Lemon Law"), being mailed to the manufacturer's last known address.

Specific Authority 681.103(3), 681.109(5), 681.109(8), 681.1097, 681.118 FS. Law Implemented 681.102, 681.103, 681.104, 681.109, 681.1095, 681.1097 FS. History--New 1-25-89, Amended 3-4-93, 6-25-96, 9-15-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janet L. Smith

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: L. Clayton Roberts

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

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2005 and October 7, 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 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

Optical Establishment

RULE TITLE: RULE NO.:

Optical Establishment Inspection 64B29-1.002

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

SUMMARY: This amendment limits the requirement that there be a colmascope to only when glass lenses are made at the establishment.

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: 484.007, 484.014, 484.015 FS.

LAW IMPLEMENTED: 484.007, 484.012, 484.014, 484.015 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: Sue Foster, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B29-1.002 Optical Establishment Inspection.

(1) No change.

(2) The inspection of the optical establishment shall include the following:

(a) through (c) No change.

(d) Determination that the minimum equipment required by Rule 64B12-10.007, F.A.C., is maintained in each office in which an optician practices opticianry. The equipment required is pupillary gauges, thickness gauge, one set of hand tools necessary for fitting of eye glasses, one lensometer or vertometer or similar instrument, one colmascope or similar instrument if glass lenses are manufactured on the premises, one frame heater, one lens measure, set of sample frames and mountings, keratometer or similar instrument and slit lamp or similar instrument if fitting and adapting contact lenses, and a set of trial soft contact lenses, if fitting and adapting contact lenses.

(e) through (f) No change.

Specific Authority 484.007, 484.014, 484.015 FS. Law Implemented 484.007, 484.012, 484.014, 484.015 FS. History--New 5-27-03, Amended 8-22-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sue Foster

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 4, 2005

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Certification Requirements for Supervisors of Elections for Special Qualification Salary
 RULE NO.: 1S-2.0115
 NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.0115, F.A.C., published in the Florida Administrative Weekly, Page 3496, Vol. 31, No. 40, on October 7, 2005, has been changed to reflect comments received from the public before and during the hearing held on October 31, 2005, and from the Joint Administrative Procedures Committee. The summary of the substantive changes made to the proposed rule text and Form DS-DE #69 incorporated by reference is as follows:

(1) Revise subsection (1) to exclude extraneous purpose statement.

(2) Revise subsection (2) to require a passing grade on the open book test on the Florida Election Code, to clarify that the Florida State Association of Supervisors of Elections shall draft and administer the open book test, and to relocate provisions relating to credits that may be earned under Areas I through 5 to a separate subsection (4), entitled "Credits."

(3) Revise subsection (3) to clarify that credits equivalent to twenty-four hours of attendance is required for annual recertification and to relocate provisions relating to continuing education activities into Area V under the separate subsection (4), entitled "Credits."

(4) Add a new subsection (4) entitled "Credits" to include all provisions relating to credits that may be earned under Areas I-V, to impose standards of approval for credits pre-approved by certain entities such as The Election Assistance Commission, The Election Center, etc., to require the submission of documentation in support of receiving credit for attendance conducted or sponsored by other non-specified entities, to add specificity as to what constitutes election and election-related topics for purposes of credit, to add that credit may be earned under Area II for the equivalent of a high school degree, to revise the basis under which credit may be earned for a post-secondary degree under Area II, to replace universally the term "participation" with the term "attendance," and to clarify that credit may be earned for listening to audio or visual recordings and the process for receiving such credit.

(5) Renumber the old subsection (4) as subsection (5) and revise the subsection to require the submission of a certification application 30 days prior to the anniversary date of taking office, to require and allow for the periodic submission of supporting documentation, to allow credit for

listening to audio or visual recordings, to allow for submission of supporting documentation periodically or at the time of the application, to require the Division of Elections to notify a supervisor of elections if there are insufficient credits within 5 calendar days of receipt of the application, to require the Division of Elections to issue a formal letter of certification upon approval of satisfactory credits for the supervisor of elections, and to change the webpage link to <http://election.dos.state.fl.us/index>

(6) To conform Form DS-DE #69 entitled "Certification Application for Supervisor of Elections for Special Qualification Salary" with changes in the proposed rule, and to include an effective date, to replace a reference to Section 893.13, Florida Statutes with a cite to Section 837.06, Florida Statutes, relating to false official statements.

(7) To make other nonsubstantive changes to the proposed rule and form relating to the organization of the rule.

The text of the substantially revised proposed rule shall now read as follows:

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

(1) GENERAL. This rule provides requirements for initial and annual certification of supervisors of elections for the special qualification salary.

(2) INITIAL CERTIFICATION. In order to receive initial certification for the special qualification salary, a supervisor of elections must:

(a) Take and receive a passing grade of ninety percent (90%) or higher on a uniform statewide open book examination developed and revised annually by the Florida State Association of Supervisors of Elections. This test is for the purpose of testing the supervisor of election's knowledge and familiarity with Chapters 97 through 106 of the Florida Election Code and applicable election-related provisions of the Florida Constitution, as most recently amended. This examination shall be administered by the Florida State Association of Supervisors of Elections;

(b) Conduct a primary election and a gubernatorial or presidential general election; and

(c) Earn fifteen (15) credits in Areas I – V as provided in subsection (4) of which credits must include at a minimum:

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

2. A minimum of two years of service as a supervisor of elections as provided in Area III.

3. Five credits earned for attendance at a training conference, program, seminar or workshop as provided in Area IV.

(3) ANNUAL RECERTIFICATION. In order to remain certified annually for the special qualification salary, a supervisor of elections must earn annually credit equivalent to

a minimum of twenty-four hours of attendance at continuing education activities as provided in Area V under subparagraph (4)(a)5.

(4) CREDITS.

(a) Credits for initial and annual certification may be earned in Areas I through V as follows:

1. AREA I – MANDATORY ORIENTATION. Within two years after taking office, each newly elected or appointed Supervisor of Elections shall attend a mandatory orientation workshop conducted by the Florida State Association of Supervisor of Elections after each general election. The mandatory orientation workshop must consist of a minimum of twelve (12) hours of training in election topics including but not limited to voter eligibility and registration, the Florida Voter Registration System, voter registration agencies and third-party voter registration groups, registered voter list maintenance activities, candidate qualifying procedures, initiative and candidate petitions, conduct of elections, voting methods and procedures, polling place procedures, solicitation restrictions, handling and canvassing ballots, voting machines and systems, political parties and committees, election code violations, public records, and campaign financing. A maximum of one credit may be earned in this area.

2. AREA II – FORMAL EDUCATION. A maximum of five credits may be earned as follows:

a. One credit for the award of a high school diploma or its equivalent.

b. Two credits for the award of an associate degree or four credits for a baccalaureate degree but not to exceed a total of four credits for both an associate degree and a baccalaureate degree.

3. AREA III – EXPERIENCE. A maximum of five credits may be earned as follows:

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

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

4. AREA IV – ATTENDANCE AT TRAINING CONFERENCES, PROGRAMS, SEMINARS AND WORKSHOPS. One credit may be earned for each twelve (12) hours of attendance at training conferences, programs, seminars and workshops approved by the Division of Elections and conducted by the Division of Elections or the Florida State Association of Supervisors of Elections. The training conferences, programs, seminars or workshops must cover any one or more of the following election or election-related topics:

- a. Duties and role of supervisor of elections.
- b. State or federal election law.
- c. Conduct of elections.
- d. State or federal ethics law.
- e. Management or technology information systems.
- f. Public records.

g. Office management and personnel training.

h. Voting machines, systems, and software.

i. Public administration.

j. Public relations.

k. Stress management.

5. AREA V – ATTENDANCE AT CONTINUING EDUCATION ACTIVITIES.

a. Credit may be earned for attendance at educational conferences, programs, seminars and workshops conducted by the Florida State Association of Supervisors of Elections, the Elections Assistance Commission (EAC), the Federal Election Commission (FEC), the International Association of Clerks, Recorders, Elections Officials and Treasurers (IACREOT), the Election Center, the Florida Elections Commission, or the Florida Commission on Ethics. The Division shall accept for certification the equivalent of the number of credits pre-approved by any of these entities for the conference, program, seminar or workshop.

b. Credit may also be earned for attendance at educational conferences, programs, seminars and workshops conducted or sponsored by a community college, college or state university as defined in Section 1000.21, F.S., a voting or elections system or software vendor, or any entity not otherwise listed in subparagraph a. The Division may accept for certification the equivalent of the number of credits pre-approved by any of these entities for conference, program, seminar or workshop. In order to receive approval for credit from the Division of Elections for attendance, a supervisor must:

i. Submit an outline, agenda, brochure or itinerary;

ii. Identify the entity that conducted or sponsored the conference, program, seminar or workshop and any national or international accreditation of such entity;

iii. Describe the title, content, subject matter and learning objectives;

iv. Set forth for the length of time (hours) in attendance or the number of continuing education credits that the entity pre-approved or that is being requested; and

v. Identify the names and qualifications of all instructors or presenters.

c. The educational conferences, programs, seminars, or workshops under this subsection must cover one or more of the following election or election-related topics:

i. Duties and role of supervisor of elections.

ii. State or federal elections law.

iii. Conduct of elections.

iv. State or federal ethics law.

v. Management or technology information systems.

vi. Public records.

vii. Office management and personnel training.

viii. Voting machines, systems, and software.

ix. Public administration.

x. Public relations.

xi. Stress management.

6. Each hour contemplated towards one credit for attendance at a conference, program, seminar or workshop under Areas I, IV and V must consist of a minimum of fifty (50) minutes of time. If credit has not been pre-approved specifically by a conference, program, seminar or workshop for attendance, the Division shall assign and approve one credit for each twelve (12) hours of attendance at any one or more conferences, programs, seminars or workshops.

(5) CERTIFICATION.

(a) APPLICATION. In order to receive the special qualifications salary, the supervisor of elections must submit a completed certification application requesting initial or annual certification by the Division of Elections. For purposes of receiving timely initial or annual certification, the supervisor of elections must submit a completed certification application to the Division of Elections no later than thirty (30) days prior the supervisor of elections' anniversary date of taking office. The supervisor of elections shall use form DS-DE #69, entitled "Certification Application for Supervisor of Elections for Special Qualification Salary," which is incorporated by reference, to submit his or her request for initial or annual certification. This application is available by request from the Division of Elections at Room 316, R. A. Gray Building, Tallahassee, Florida 32399-0250 or by contacting the Division of Elections at (850)245-6200, or by download from the Division of Elections' website at: <http://election.dos.state.fl.us>.

(b) SUPPORTING DOCUMENTATION. A supervisor of elections shall submit to the Division of Elections copies of all documentation in support of his or her compliance with requirements for initial or annual certification. Such documentation may be submitted periodically throughout the year prior to the filing of the application for initial or annual certification. Documentation in support of credits that may be submitted for approval of attendance at a conference, program, seminar or workshop include, if available, an agenda, itinerary, outline or brochure that details the title, content, and subject matter, the name of the entity that conducted or sponsored the activity, the dates and hours, the names and qualifications of the instructors or presenters, and the length of attendance (hours) or maximum credits awarded. Additionally, a supervisor must submit for each conference, program, seminar or workshop, a registration receipt, written confirmation of attendance, certificate of completion, or letter from the sponsoring entity, or alternatively, if a supervisor of elections is unable to attend a conference, program, seminar or workshop, a written attestation which may be indicated on the application that he or she listened to an audio or video recording and read the materials offered or presented by the entity that conducted or sponsored the conference, program, seminar or workshop.

(c) ISSUANCE OF CERTIFICATION. If the supervisor of elections has not met the requirements for initial or annual certification, the Division of Elections shall notify the

supervisor of elections no later than 5 calendar days from the date of receipt of the certification application. If the supervisor of elections has met the requirements for initial or annual certification, the Division of Elections shall issue a letter of initial or annual certification, whichever is applicable.

Specific Authority 20.10, 145.09 FS. Law Implemented 145.09 FS. History--New _____.

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

DEPARTMENT OF STATE

Division of Elections

RULE NO.:

RULE TITLE::

1S-2.034

Polling Place Procedures Manual

NOTICE OF CHANGES

Notice is hereby given that proposed Rule 1S-2.034, F.A.C., published in the FAW, Page 3710, Vol. 31, No. 42, on October 21, 2005, has been changed to reflect comments received from the public before and during the hearing held on November 14, 2005. The summary of the substantive changes made to the proposed rule text and the Form DS-DE 11, entitled "Polling Place Procedures Manual" (incorporated by reference) is as follows:

(1) The web hyperlink cited in the rule for downloading Form DS-DE 11 is changed to the Division of Elections' homepage at: <http://election.dos.state.fl.us>.

(2) The rule is changed to cite Section 20.10, Florida Statutes, as an additional source for specific authority for rulemaking by the Department of State.

(3) Form DS-DE 11 is changed throughout to reflect that names of voters may appear on a precinct register or an electronic device if the polling place is using an electronic database.

(4) Form DS-DE 11 is changed to clarify that poll watchers may inspect precinct registers or observe the voter check-in process in the case of electronic devices of voter lists.

(5) Form DS-DE 11 is revised throughout to reflect that a voter may sign in by signing a precinct register or a signature pad depending on the technology available at the polling place.

(6) Page 3 of Form DS-DE 11 is revised to remove explicit reference to public access to the polling room prior to opening.

(7) Form DS-DE 11 is revised to add a limited number of statutory citations relating to key provisions such as solicitation on page 4, provisional ballots on page 8, and identification requirements on page 8.

(8) Page 6 of Form DS-DE 11 is revised to change the use of the term "verifies" with "confirm" to be consistent with terminology used in s. 101.69, Florida Statutes, relating to absentee ballots that are not returned.

(9) Page 8 of Form DS-DE 11 is revised to clarify the instructions in text box #2 that a voter who moves from one county to another and was registered by book closing can execute one of two forms, a voter registration application or an affidavit/affirmation, whichever is made available at the polls, and that a cross-check confirmation against the master voter list must be made to determine the registration date, party affiliation, eligibility, and any outstanding voter challenges.

(10) Page 9 of Form DS-DE 11 is revised to add two scenarios under which a person may be given a provisional ballot: when the person does not produce an identification with a signature, and when the person's driver's license number, state identification card number or social security number have not yet been verified by the Florida Department of State and Department of Highway Safety and Motor Vehicles.

(11) Page 9 of Form DS-DE 11 is revised to clarify that the provisional ballot certificate and affirmation may be printed on a form other than the back of the envelope.

(12) Form DS-DE 11 is revised to allow flexibility in the reconciliation process by recognizing that reconciliation of ballots and signatures can occur from the precinct register or from voter authority slips.

(13) Page 16 of Form DS-DE 11, relating to ballot accounting is revised to reflect that an electronic database can provide a printed tally for the election board in lieu of having to count the number of signatures.

(14) Form DS-DE 11 is changed to correct grammatical errors and oversights, all of which do not affect the substance of the rule or the form.

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

DEPARTMENT OF TRANSPORTATION

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

NOTICE OF CHANGE

SUMMARY OF CHANGES: The following changes are being made in response to a review by the Joint Administrative Procedures Committee: Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. 09/05: In the form itself, delete the "incorporation by reference" statements for external documents referred to within the form.

The notice of rulemaking was published in Vol. 31, No. 36, Florida Administrative Weekly, dated September 9, 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 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 Home Administrators

RULE NO.:	RULE TITLE:
64B10-11.013	Temporary License
NOTICE OF WITHDRAWAL	

Notice is hereby given that the above-referenced proposed Rule, as noticed in Vol. 31, No. 20, of the Florida Administrative Weekly on May 20, 2005, has been withdrawn. 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.:	RULE TITLE:
64B10-17.001	On-Site Control
NOTICE OF WITHDRAWAL	

Notice is hereby given that the above-referenced proposed Rule, as noticed in Vol. 31, No. 20, of the Florida Administrative Weekly on May 20, 2005, has been withdrawn. 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

**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: Florida Quality Systems Certification
 RULE NO.: 20ER05-3

Program for Finished Product Inspection
SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Following three successive hurricanes tracking through Florida’s citrus belt during August and September 2004, and citrus canker eradication efforts, the Florida Citrus Industry saw crop reductions of approximately forty-one percent, adversely impacting the industry’s economics by limiting supply and raising unit costs, including those costs related to regulatory compliance. Harvesting and processing of the 2005-06 Florida citrus crop is imminent and will commence on or before November 1, 2005. If immediate measures are not taken prior to the onset of the 2005-06 season to provide alternative methods other than what USDA has developed and offered for the industry to comply with statutorily required inspections, the Florida Citrus Industry which contributes ninety thousand jobs and over nine billion dollars annually to the Florida economy will be severely impacted and may be unable to effectively compete in the world market. In view of these specific facts and reasons the Florida Citrus Commission hereby finds that an immediate serious danger to the public health, safety or welfare exists which necessitates the immediate implementation of alternative methods of inspection compliance for the processed citrus industry. 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.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This action is necessary and fair under these circumstances because the Florida Citrus Industry has requested immediate relief and options for lower cost regulatory compliance.

SUMMARY: Establishes an audit-based alternative method of inspection for finished processed citrus juices.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ken Keck, General Counsel, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE EMERGENCY RULE IS:

20ER05-3 Florida Quality Systems Certification Program for Finished Product Inspection.

(1) Effective upon filing of Emergency Rule 20ER05-3, 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 the “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 (FDACS). 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 FDACS.

(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 11-18-05.

THIS RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.
 EFFECTIVE DATE: November 18, 2005

DEPARTMENT OF CITRUS

RULE TITLE: Notice Required
 RULE NO.: 20ER05-4
 (20-70.006)

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Following three successive hurricanes tracking through Florida’s citrus belt during August and September 2004, and citrus canker eradication efforts, the Florida Citrus Industry saw crop reductions of approximately forty-one percent, adversely impacting the industry’s economics by limiting supply and raising unit costs, including those costs related to regulatory compliance. Harvesting and processing of the 2005-06 Florida citrus crop is imminent and will commence on or before November 1, 2005. If immediate measures are not taken prior to the onset of the 2005-06 season to provide alternative methods other than what USDA has developed and offered for the industry to comply with statutorily required inspections, the Florida Citrus Industry which contributes ninety thousand jobs and over nine billion dollars annually to the Florida economy will be severely impacted and may be unable to effectively compete in the world market. In view of these specific facts and reasons the Florida Citrus Commission hereby finds that an immediate serious danger to the public health, safety or welfare exists which necessitates the immediate implementation of

alternative methods of inspection compliance for the processed citrus industry. 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.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This action is necessary and fair under these circumstances because the Florida Citrus Industry has requested immediate relief and options for lower cost regulatory compliance.

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

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ken Keck, General Counsel, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE EMERGENCY RULE IS:

20ER05-4 (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 11-18-05.

THIS RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.
EFFECTIVE DATE: November 18, 2005

DEPARTMENT OF CITRUS

RULE TITLE:	RULE NO.:
Manifest Requirements and Statements for Transports of Processed Citrus Products	20ER05-5 (20-71.006)

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Following three successive hurricanes tracking through Florida’s citrus belt during August and September 2004, and citrus canker eradication efforts, the Florida Citrus Industry saw crop reductions of approximately forty-one percent, adversely impacting the industry’s economics by limiting supply and raising unit costs, including those costs related to regulatory compliance. Harvesting and processing of the 2005-06 Florida citrus crop is imminent and will commence on or before November 1, 2005. If immediate

measures are not taken prior to the onset of the 2005-06 season to provide alternative methods other than what USDA has developed and offered for the industry to comply with statutorily required inspections, the Florida Citrus Industry which contributes ninety thousand jobs and over nine billion dollars annually to the Florida economy will be severely impacted and may be unable to effectively compete in the world market. In view of these specific facts and reasons the Florida Citrus Commission hereby finds that an immediate serious danger to the public health, safety or welfare exists which necessitates the immediate implementation of alternative methods of inspection compliance for the processed citrus industry. 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.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This action is necessary and fair under these circumstances because the Florida Citrus Industry has requested immediate relief and options for lower cost regulatory compliance.

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

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ken Keck, General Counsel, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE EMERGENCY RULE IS:

20ER05-5 (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, 11-18-05.

THIS RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.
EFFECTIVE DATE: November 18, 2005

DEPARTMENT OF CITRUS

RULE TITLE: Hours of Inspection
 RULE NO.: 20ER05-6
 (20-72.006)

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Following three successive hurricanes tracking through Florida’s citrus belt during August and September 2004, and citrus canker eradication efforts, the Florida Citrus Industry saw crop reductions of approximately forty-one percent, adversely impacting the industry’s economics by limiting supply and raising unit costs, including those costs related to regulatory compliance. Harvesting and processing of the 2005-06 Florida citrus crop is imminent and will commence on or before November 1, 2005. If immediate measures are not taken prior to the onset of the 2005-06 season to provide alternative methods other than what USDA has developed and offered for the industry to comply with statutorily required inspections, the Florida Citrus Industry which contributes ninety thousand jobs and over nine billion dollars annually to the Florida economy will be severely impacted and may be unable to effectively compete in the world market. In view of these specific facts and reasons the Florida Citrus Commission hereby finds that an immediate serious danger to the public health, safety or welfare exists which necessitates the immediate implementation of alternative methods of inspection compliance for the processed citrus industry. 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.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This action is necessary and fair under these circumstances because the Florida Citrus Industry has requested immediate relief and options for lower cost regulatory compliance.

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

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ken Keck, General Counsel, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE EMERGENCY RULE IS:

20ER05-6 (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 11-18-05.

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

EFFECTIVE DATE: November 18, 2005

DEPARTMENT OF CITRUS

RULE TITLE: Issuance of Certificates Under Florida Quality Systems Certification Program
 RULE NO.: 20ER05-7

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Following three successive hurricanes tracking through Florida’s citrus belt during August and September 2004, and citrus canker eradication efforts, the Florida Citrus Industry saw crop reductions of approximately forty-one percent, adversely impacting the industry’s economics by limiting supply and raising unit costs, including those costs related to regulatory compliance. Harvesting and processing of the 2005-06 Florida citrus crop is imminent and will commence on or before November 1, 2005. If immediate measures are not taken prior to the onset of the 2005-06 season to provide alternative methods other than what USDA has developed and offered for the industry to comply with statutorily required inspections, the Florida Citrus Industry which contributes ninety thousand jobs and over nine billion dollars annually to the Florida economy will be severely impacted and may be unable to effectively compete in the world market. In view of these specific facts and reasons the Florida Citrus Commission hereby finds that an immediate serious danger to the public health, safety or welfare exists which necessitates the immediate implementation of alternative methods of inspection compliance for the processed citrus industry. 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.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This action is necessary and fair under these circumstances because the Florida Citrus Industry has requested immediate relief and options for lower cost regulatory compliance.

SUMMARY: New rule prescribing the issuance of certificates under the Florida Quality Systems Certification Program.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ken Keck, General Counsel, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE EMERGENCY RULE IS:

20ER05-7 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 11-18-05.

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

EFFECTIVE DATE: November 18, 2005

DEPARTMENT OF CITRUS

RULE TITLE: Water Extracted Soluble Fruit Solids
 RULE NO.: 20ER05-9
 (20-64.021)

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Following three successive hurricanes tracking through Florida’s citrus belt during August and September 2004, and citrus canker eradication efforts, the Florida Citrus Industry saw crop reductions of approximately forty-one percent, adversely impacting the industry’s economics by limiting supply and raising unit costs, including those costs related to regulatory compliance. Harvesting and processing of the 2005-06 Florida citrus crop is imminent and will commence on or before November 1, 2005. If immediate measures are not taken prior to the onset of the 2005-06 season to provide alternative methods other than what USDA has developed and offered for the industry to comply with statutorily required inspections, the Florida Citrus Industry which contributes ninety thousand jobs and over nine billion dollars annually to the Florida economy will be severely impacted and may be unable to effectively compete in the world market. In view of these specific facts and reasons the Florida Citrus Commission hereby finds that an immediate serious danger to the public health, safety or welfare exists which necessitates the immediate implementation of alternative methods of inspection compliance for the processed citrus industry. 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.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This action is necessary and fair under these circumstances because the Florida Citrus Industry has requested immediate relief and options for lower cost regulatory compliance.

SUMMARY: 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.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ken Keck, General Counsel, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE EMERGENCY RULE IS:

20ER05-9 (20-64.021) Water Extracted Soluble Fruit Solids.

(1) through (3) No change.

(4) Approved plants operating under the Florida Quality Systems Certification Program, Rule 20-64.025, F.A.C., are exempted from the notice provisions of paragraph (3) above, but are required to follow documented program guidelines for handling of Water Extracted Soluble Fruit Solids.

~~(5)~~(4) Water extracted soluble fruit solids shall not be placed, for shipment or storage purposes, in any container which contains other citrus juice products, nor shall any citrus juice product be placed in any container which contains water extracted soluble fruit solids; except that water extracted soluble fruit solids to which a tracer has been added in accordance with paragraph (5)(a) may be used in producing beverage bases. Beverage bases manufactured for offshore shipment outside the United States and foreign countries listed in subsection 20-64.021(7), F.A.C., may contain water extracted soluble fruit solids without tracer if handled and accounted for as in paragraphs 20-64.021(9) (a), (c), (d) and (e), F.A.C.

~~(6)~~(5)(a) through (b) No change.

~~(7)~~(6) Reserved.

~~(8)~~(7) Subsection 20-64.021(5), F.A.C., shall not apply to product packed and certified, at the time of manufacture, for export shipment by the licensed citrus fruit dealer who manufactured the product, to countries outside the United States, other than the countries and territories of: Antigua and Barbuda, Barbados, Belize, Canada, Costa Rica, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Montserrat, Netherlands Antilles, Panama, Saint Christopher-Nevis, Saint Lucia, Saint Vincent, and Grenadines, Trinidad and Tobago, British Virgin Islands, Bahamas. Product so certified shall be appropriately identified for offshore export only, and may not subsequently be shipped

or used domestically. To qualify for this exemption all products must be handled and accounted for in accordance with subsection 20-64.021(9), F.A.C., of this chapter.

(9)(8) Each lot or container of water extracted soluble fruit solids shall be subject to sampling and analysis by the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, United States Department of Agriculture.

(10)(9) Water extracted soluble fruit solids, packed and certified for export shipment pursuant to the provisions of subsection 20-64.021(7), F.A.C., hereof, shall be handled and accounted for as follows:

(a) through (e) No change.

(11)(10) It shall be the burden of the manufacturer of water extracted soluble fruit solids without tracer to show with proper documentation, either the offshore export of the product, that tracer has been properly added thereto, or that the tank in which it is stored is totally segregated.

Specific Authority 601.10(1), (7), 601.11 FS. Law Implemented 601.10(7), 601.11 FS. History—New 3-21-79, Amended 6-24-81, 11-1-81, 1-1-82, 11-24-82, 8-28-84, 4-14-85, Formerly 20-64.21, Amended 9-2-86, 2-3-87, 11-1-88, 11-20-88, 3-19-98, 11-18-05.

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

EFFECTIVE DATE: November 18, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 604, DECADE OF DOLLARS

RULE NO.: 53ER05-85

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 604, “DECADE OF DOLLARS,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-85 Instant Game Number 604, DECADE OF DOLLARS.

(1) Name of Game. Instant Game Number 604, “DECADE OF DOLLARS.”

(2) Price. DECADE OF DOLLARS lottery tickets sell for \$2.00 per ticket.

(3) DECADE OF DOLLARS lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the

latex area on the ticket. To be a valid winning DECADE OF DOLLARS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER05-73, F.A.C.

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

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



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

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

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

TICKET	\$1.00	\$2.00	\$5.00	\$10.00	\$20.00
TICKET	ONE	TWO	FIVE	TEN	TWENTY
\$25.00	\$50.00	\$100	\$500	\$1,000	\$5,000
THY FIVE	FIFTY	ONE HUN	FIVE HUN	A MO/10 YRS	FIVE THO

(7) The legends are as follows:

YOUR NUMBERS WINNING NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the “YOUR NUMBERS” play area that matches any number in the “WINNING NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that number.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500, \$5,000 and \$1,000 a month for ten (10) years. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$2.00 instant

ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a DECADE OF DOLLARS lottery ticket that entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.



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

(d) The winner of a “\$1,000 a month for 10 years” prize may choose one of three payment options for receiving his or her prize. Payment options are: (1) Monthly Payment – 120 installments of \$1,000 per month for 10 years, less applicable federal tax withholding, (2) Annual Payment – 10 annual installments of \$12,000 per year, less applicable federal tax withholding, or (3) Cash Option – a single cash payment equal to the amount of cash required to purchase U.S. Government Securities that would fund \$120,000 payable over a ten year period, less applicable federal tax withholding. This figure will be determined at the time the ticket is presented for payment.

(e) At the time a “\$1,000 a month for 10 years” prize is claimed, the terminal will produce a player claim instructions ticket. The winner has sixty (60) days from the date the player claim instructions ticket is produced to file a claim choosing the Cash Option. If a winner does not choose the Cash Option within such time, the Annual Payment option will be applied. Once the winner signs the Winner Claim Form and exercises the winner’s chosen option, the election of that option shall be final. Winner Claim Form DOL-173-2, Revised 9/05, and Spanish Winner Claim Form DOL-173-S, Revised 9/05, are incorporated herein by reference and may be obtained from any Lottery retailer, Lottery office or from the Lottery’s web site at www.flalottery.com.

(f) Any interest or earnings accruing on a “\$1,000 a month for 10 years” prize prior to the prize payment or purchase of securities, under any of the three options, shall accrue to the State of Florida and not to the winner.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 604 are as follows:

\$1 + (\$2 x 2) + (\$5 x 2) + \$10 \$25	\$25	450.00	22,400
\$5 x 10	\$50	1,800.00	5,600
\$10 x 5	\$50	3,600.00	2,800
\$25 x 2	\$50	3,600.00	2,800
\$50 (MONEYBAG)	\$50	450.00	22,400
\$20 x 5	\$100	18,000.00	560
(\$5 x 8) + \$10 + \$50 (MONEYBAG)	\$100	18,000.00	560
\$50 + \$50 (MONEYBAG)	\$100	18,000.00	560
(\$100 x 2) + \$50 (MONEYBAG)	\$250	45,000.00	224
\$50 + (\$100 x 4) + \$50 (MONEYBAG)	\$500	90,000.00	112
\$500 x 10	\$5,000	2,520,000.00	4
\$5,000	\$5,000	5,040,000.00	2
\$1,000 A MONTH FOR 10 YEARS	Top Prize	5,040,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 604 are 1 in 3.61. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 604, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for DECADE OF DOLLARS lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 11-17-05, Replaces 53ER05-72.

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

EFFECTIVE DATE: November 17, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: FANTASY 5®
RULE NO.: 53ER05-86

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the conduct of FANTASY 5® and replaces Emergency Rule 53ER05-24, Florida Administrative Code.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

GAME PLAY:	WIN:	ODDS OF	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS
TICKET	\$2 TICKET	1 IN:	PER POOL:
\$2	\$2	10.00	1,008,000
\$2 x 2	\$4	37.50	268,800
(\$1 x 3) + \$2	\$5	18.75	537,600
\$5	\$5	30.00	336,000
\$1 x 10	\$10	30.00	336,000
\$5 x 2	\$10	150.00	67,200
\$10	\$10	150.00	67,200
(\$2 x 5) + \$5 + \$10	\$25	150.00	67,200
		450.00	22,400

53ER05-86 FANTASY 5®.(1) How to Play FANTASY 5®.

(a) FANTASY 5 is a lottery on-line game in which players select five (5) numbers from a field of one (1) to thirty-six (36).

(b) Players may make their FANTASY 5 ticket selections by marking a play slip or by telling the retailer their desired selections. There are ten (10) panels on a play slip. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting five (5) numbers from each panel played, or may mark the "Quick Pick" box located at the bottom of each panel for the terminal to randomly select one (1) or more of the five (5) numbers. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel.

1. Players may mark the "Grouper™" box to receive six (6) quick pick tickets for \$5.00 consisting of one (1) ticket each of CASH 3™, PLAY 4™, FANTASY 5®, MEGA MONEY™, and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5, MEGA MONEY or FLORIDA LOTTO. Players may mark Grouper in addition to panel plays and/or Quick Picks. Tickets in Grouper play cannot be player-selected and cannot be cancelled. Grouper play may also be selected by telling the retailer.

2. Players may mark the \$5 "Quick Picks" box to receive one (1) ticket with five (5) sets of five (5) randomly selected numbers for the next FANTASY 5 drawing; or may mark the \$10 "Quick Picks" box to receive one (1) ticket with ten (10) sets of five (5) randomly selected numbers for the next FANTASY 5 drawing. Players may mark Quick Picks in addition to panel plays and/or Grouper.

3. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(c) Players may play up to thirty (30) consecutive FANTASY 5 drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-J) played. Advance play does not apply to Grouper or Quick Picks.

(2) FANTASY 5 Drawings.

(a) FANTASY 5 drawings shall be conducted daily.

(b) FANTASY 5 drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm ("Accountant") who shall certify to the integrity, security, and fairness of each drawing.

(c) The equipment (ball set and drawing machine) used in a FANTASY 5 drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing.

(d) The equipment shall be configured so that five balls are drawn from one (1) set of balls numbered one (1) through thirty-six (36).

(e) Once a ball set has been selected and inspected, the selected drawing machine shall be loaded by the Draw Manager and the ball set mixed by the action of an air blower.

(f) Five (5) balls shall be drawn by vacuum action into the display devices. The numbers shown on the five (5) balls, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

(g) In the event a malfunction in the drawing procedures occurs or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in paragraph (2)(b). In using such substitute procedures, the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

(h) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.

(3) FANTASY 5 Prize Divisions.

(a) FANTASY 5 is a pari-mutuel game. For each draw, fifty percent (50%) of the gross revenue shall be allocated as the winning pool for payment of the top prize, second prize and third prize. Free FANTASY 5 tickets issued as a fourth prize shall not be included in gross revenue calculations.

(b) The top prize pool shall consist of sixty-two percent (62%) of the winning pool for the drawing plus any money carried forward from the previous draw. Prize money allocated to the top prize pool shall be divided equally among the players who match all five (5) official winning numbers. If there is no top prize winner in a drawing, the top prize pool shall roll down and be added to the second prize pool for that FANTASY 5 drawing.

(c) The second prize pool shall consist of ten percent (10%) of the winning pool for the drawing plus any money rolled down from the top prize. The second prize pool shall be divided equally among the players matching four (4) of five (5) official winning numbers. If there is no winner in the second prize category for a drawing, the second prize pool shall be carried over and added to the top prize pool of the next FANTASY 5 drawing.

(d) The third prize pool shall consist of twenty-eight percent (28%) of the winning pool for the drawing. The third prize pool shall be divided equally among the players matching three (3) of five (5) official winning numbers. If there is no

winner in the third prize category for a drawing, the third prize pool is carried over and added to the top prize pool of the next FANTASY 5 drawing.

(e) A fourth prize shall consist of one (1) free FANTASY 5 quick pick ticket (\$1.00 value), except as follows. A player who submits by mail a FANTASY 5 lottery ticket which entitles the claimant to a free FANTASY 5 quick pick ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket. Fourth prizes shall not utilize any portion of the winning pool for the drawing. A free FANTASY 5 quick pick ticket shall be for the next FANTASY 5 drawing after the ticket is validated.

(f) Except for the top prize, which will pay the exact amount, cash prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the third prize shall not be less than \$3.50. All rounding differences in the second and third prizes will be used to fund future prizes in Lottery games or for special Lottery prize promotions.

(4) Determination of Prize Winners. In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E, F, G, H, I or J) must match the official winning FANTASY 5 numbers in any order for the draw date for which the ticket was purchased. The prizes are set forth as follows:

(a) Top Prize: Five (5) of five (5) official winning numbers.

(b) Second Prize: Four (4) of five (5) official winning numbers.

(c) Third Prize: Three (3) of five (5) official winning numbers.

(d) Fourth Prize: Two (2) of five (5) official winning numbers.

(5) FANTASY 5 Odds of Winning. The odds of winning the prizes described above are as follows:

(a) Top Prize – 1:376,992

(b) Second Prize – 1:2,432,21

(c) Third Prize – 1:81,07

(d) Fourth Prize – 1:8,39

(e) The overall odds of winning a prize in a FANTASY 5 drawing are 1:7.58.

(6) FANTASY 5 Rules and Prohibitions.

(a) By purchasing a FANTASY 5 ticket, a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) FANTASY 5 prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

(d) Subject to a retailer's hours of operation and on-line system availability, FANTASY 5 lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight, Eastern Time (ET).

(e) The scheduled time for the daily FANTASY 5 drawing is approximately 11:15 p.m., ET. Ticket sales for a specific FANTASY 5 drawing will close approximately thirty-five (35) minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next FANTASY 5 draw date.

(f) Retailer cancellations of FANTASY 5 tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours after printing, except that no FANTASY 5 ticket can be cancelled after game close for the related drawing and no fourth prize (free FANTASY 5 quick pick ticket) can be cancelled at any time. FANTASY 5 tickets that produce cash prize coupons, entry vouchers or free FLORIDA LOTTO tickets in the "Cash For the Holidays" promotion cannot be cancelled. The two (2)-hour ticket cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related FANTASY 5 close of game.

(g) It is the responsibility of the player to determine the accuracy of selected panels of numbers and draw date(s) on a ticket. In the event that a ticket given to the player by the retailer contains selections that are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a cancelable FANTASY 5 ticket produced upon request of the player by the quick pick method of number selection.

Specific Authority 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History—New 11-17-05, Replaces 53ER05-24.

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

EFFECTIVE DATE: November 17, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: FLORIDA LOTTO™

RULE NO.: 53ER05-87

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the conduct of FLORIDA LOTTO™ and replaces Emergency Rule 53ER05-26.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-87 FLORIDA LOTTO™.

(1) How to Play FLORIDA LOTTO™.

(a) FLORIDA LOTTO is a lottery on-line game in which players select six (6) numbers from a field of one (1) to fifty-three (53).

(b) Players may make their FLORIDA LOTTO ticket selections by marking a play slip or by telling the retailer their desired selections. There are ten (10) panels on a play slip. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting six (6) numbers from each panel played, or may mark the “Quick Pick” box located at the bottom of each panel for the terminal to randomly select one (1) or more of the six (6) numbers. A “Void” box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel.

1. Players may mark the “Grouper™” box to receive six (6) quick pick tickets for \$5.00 consisting of one (1) ticket each of CASH 3™, PLAY 4™, FANTASY 5®, MEGA MONEY™, and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5, MEGA MONEY or FLORIDA LOTTO. Players may mark Grouper in addition to panel plays and/or Quick Picks. Tickets in Grouper play cannot be player-selected and cannot be cancelled. Grouper may also be selected by telling the retailer.

2. Players may mark the \$5 “Quick Picks” box to receive one (1) ticket with five (5) sets of six (6) randomly selected numbers for the next FLORIDA LOTTO drawing; or may mark the \$10 “Quick Picks” box to receive one (1) ticket with ten (10) sets of six (6) randomly selected numbers for the next FLORIDA LOTTO drawing; or may mark the \$20 “Quick Picks” box to receive two (2) tickets with ten (10) sets of six (6) randomly selected numbers for the next FLORIDA LOTTO drawing. Players may mark Quick Picks in addition to panel plays and/or Grouper. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers are authorized to manually enter numbers selected by a player.

(c) Players may play up to fifty-two (52) consecutive FLORIDA LOTTO drawings by using the “advance play” feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel played. The number of consecutive advance drawings selected shall apply to each panel (A-J) played. Advance play does not apply to Grouper or Quick Picks.

(2) FLORIDA LOTTO Drawings.

(a) FLORIDA LOTTO drawings shall be conducted twice per week, on Wednesday and Saturday.

(b) FLORIDA LOTTO drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm (“Accountant”) who shall certify to the integrity, security, and fairness of each drawing.

(c) The equipment (ball set and drawing machine) used in a FLORIDA LOTTO drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery’s Security Division (“Draw Manager”) and the Accountant before and after each drawing.

(d) The equipment shall be configured so that six (6) balls are drawn from one (1) set of balls numbered one (1) through fifty-three (53).

(e) Once the ball set has been selected and inspected, the selected drawing machine shall be loaded by the Draw Manager and the ball set mixed by the action of an air blower.

(f) Six (6) balls shall be drawn by vacuum action into the display devices. The numbers shown on the six (6) balls, after certification by the Draw Manager and the Accountant, are the official winning numbers for the drawing.

(g) In the event a malfunction in the drawing procedures occurs, or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in paragraph (b). In using such substitute procedures the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

(h) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.

(3) FLORIDA LOTTO Prize Divisions.

(a) FLORIDA LOTTO is a pari-mutuel game. For each draw, 50 percent (50%) of the gross revenue from the sale of FLORIDA LOTTO tickets in the corresponding FLORIDA LOTTO sales period shall be allocated as the winning pool for the payment of prizes as provided below.

(b) The Jackpot prize pool shall consist of 63.5 percent (63.5%) of the winning pool for the drawing plus any Jackpot money carried forward from the previous draws. The Jackpot prize shall be divided equally among the players matching all six official winning numbers. If there is no Jackpot winner in a drawing, the Jackpot pool shall be carried over and added to the Jackpot pool of the next FLORIDA LOTTO drawing.

(c) The second prize pool shall consist of 12.3 percent (12.3%) of the winning pool for the drawing. The second prize pool shall be divided equally among the players matching five (5) of the six (6) official winning numbers. If there is no winner in the second prize category for a drawing, the second prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(d) The third prize pool shall consist of 10 percent (10%) of the winning pool for the drawing. The third prize pool shall be divided equally among the players matching four (4) of the six (6) official winning numbers. If there is no winner in the third prize category for a drawing, the third prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(e) The fourth prize pool shall consist of 14.2 percent (14.2%) of the winning pool for the drawing. The fourth prize pool shall be divided equally among the players matching three (3) of the six (6) official winning numbers. If there is no winner in the fourth prize category for a drawing, the fourth prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(f) Except for the Jackpot prize which will pay the exact amount, the second, third and fourth prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the fourth prize shall be no less than \$3.50. All rounding differences in the second, third and fourth prizes shall be used to fund future prizes in Lottery games or for special Lottery prize promotions.

(4) Determination of Prize Winners. In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E, F, G, H, I, or J) must match the official winning FLORIDA LOTTO numbers in any order for the draw date for which the ticket was purchased. The prizes are set forth as follows:

(a) Jackpot Prize: Six of six official winning numbers.

(b) Second Prize: Five of six official winning numbers.

(c) Third Prize: Four of six official winning numbers.

(d) Fourth Prize: Three of six official winning numbers.

(5) FLORIDA LOTTO Odds of Winning. The odds of winning the prizes described in subsection (4) are as follows:

(a) Jackpot Prize – 1:22,957,480.

(b) Second Prize – 1:81,409.50.

(c) Third Prize – 1:1,415.82.

(d) Fourth Prize – 1:70.79.

(e) The overall odds of winning a prize in a FLORIDA LOTTO drawing are 1:67.36.

(6) FLORIDA LOTTO Rules and Prohibitions.

(a) By purchasing a FLORIDA LOTTO ticket, a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) FLORIDA LOTTO prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

(d) Subject to a retailer's hours of operation and on-line system availability, FLORIDA LOTTO tickets are available for purchase daily between the hours of 6:00 a.m. and midnight Eastern Time (ET).

(e) The scheduled time for the Wednesday and Saturday FLORIDA LOTTO drawings is approximately 11:00 p.m., ET. Ticket sales for a specific FLORIDA LOTTO drawing will close approximately twenty (20) minutes prior to that drawing.

(f) Retailer cancellations of FLORIDA LOTTO tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours after printing, except that no FLORIDA LOTTO ticket shall be cancelled after game close for the related drawing. FLORIDA LOTTO tickets that produce cash prize coupons, entry vouchers or free FLORIDA LOTTO tickets in the "Cash For the Holidays" promotion cannot be cancelled. The two (2)-hour cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related FLORIDA LOTTO close of game. Any ticket sold after the close of game will be printed with the next FLORIDA LOTTO draw date.

(g) It is the responsibility of the player to determine the accuracy of selected panels of numbers and draw date(s) on tickets. In the event that a ticket given to the player by the retailer contains selections that are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of the player by the "quick pick" method of number selection.

(7) FLORIDA LOTTO Estimated Jackpot. For each drawing the Lottery will announce the estimated deferred payment value of the Jackpot that can be won by a single player, based upon the estimated cash value of the Jackpot pool determined by projected and historical sales figures, current interest rates, and funds from rollovers, if any. In the event the cash available in the Jackpot pool is insufficient to yield the announced estimated Jackpot value over the designated deferred payment period, the Lottery may add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the Jackpot pool to render it sufficient to yield the announced estimated Jackpot. Use of unclaimable prize money to increase the Jackpot pool for FLORIDA LOTTO shall only occur when the Lottery has determined in writing prior to the drawing that circumstances warrant the use of such funds to positively impact sales. Nothing in this rule shall be construed to prohibit a guaranteed Jackpot.

(8) FLORIDA LOTTO Payment Options.

(a) Players can choose one of two payment options for receiving their portion of the FLORIDA LOTTO Jackpot prize. Payment options are "Cash Option" and "Annual Payment."

(b) Jackpot winners have sixty (60) days after the winning draw date to choose between the two (2) payment options. Once the jackpot winner signs the Winner Claim Form and exercises the winner's chosen option, the election of that option shall be final. Winner Claim Form DOL-173-2, Revised 9/05, and Spanish Winner Claim Form DOL 173-S, Revised 9/05, are incorporated herein by reference and may be obtained from the Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939. In order to select the Cash Option, the Jackpot winner must submit his or her ticket for payment within sixty (60) days after the winning draw date. If the Jackpot winner does not elect the Cash Option within sixty days after the winning draw date, the Annual Payment option will be applied, subject to the provisions of paragraph (8)(g).

(c) A Jackpot winner who chooses the Cash Option for payment will receive one (1) lump sum cash payment of his or her portion of the amount in the Jackpot prize pool that is available for investment, less applicable withholding taxes, except as follows. If a jackpot prize winner elects the Cash Option payment in a FLORIDA LOTTO drawing in which unclaimed prize money was added to the Jackpot prize pool to render it sufficient to yield the announced estimated Jackpot, as described in subsection (7) above, the amount of the cash option payment will be the amount required at the time the ticket is submitted for payment to purchase securities to fund the announced estimated Jackpot paid over thirty (30) years, less applicable withholding taxes. The amount of the cash option payment to multiple Jackpot winners will be their pro rata share of the amount required at the time the ticket is submitted for payment to purchase securities to fund the announced estimated Jackpot over thirty (30) years, less applicable withholding taxes.

(d) If a Jackpot prize winner elects the Annual Payment option, his or her portion of the amount in the Jackpot prize pool will be invested in U.S. Treasury securities to provide an income stream to the winner of thirty (30) annual installments, each less applicable withholding taxes. Available cash in the Jackpot prize pool that cannot be invested in increments of \$1,000 in thirty (30) installments is deemed "excess cash" and will be paid to the winner in the first payment.

(e) If a Jackpot prize winner elects the Annual Payment option in a FLORIDA LOTTO drawing in which unclaimed prize money was added to the Jackpot prize pool to render it sufficient to yield the announced estimated Jackpot, as described in subsection (7) above, his or her portion of the enhanced Jackpot prize pool will be invested in U.S. Treasury securities to provide an income stream to the winner of thirty (30) annual installments, each less applicable withholding taxes, except as set forth in paragraph (8)(f) below.

(f) If the prize amount per winner in a FLORIDA LOTTO drawing in which unclaimed prize money was added to the Jackpot prize pool to render it sufficient to yield the announced

estimated Jackpot cannot be paid in increments of \$1,000 in thirty (30) installments, the winner's share of the prize pool will be invested in U.S. Treasury securities that will yield the maximum amount possible over thirty (30) years as can be reached in increments of \$1,000. If the amount the investment will yield is less than the announced estimated Jackpot, the present value of the difference between the amount the investment will yield and the winner's guaranteed prize amount over thirty (30) years will be paid to the winner in the first payment.

(g) If the cash available in the Jackpot prize pool, including any required supplement as provided in subsection (7) above, is determined on the business day following the drawing to be insufficient to yield at least one million dollars over the designated deferred payment period for each winning ticket, the Lottery shall pay the Jackpot winner or winners in a single cash payment of their share of the amount in the Jackpot prize pool available for investment determined on the business day following the drawing, less applicable withholding taxes.

(h) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(i) Any interest or earnings accrued on a FLORIDA LOTTO Jackpot prize prior to the prize payment, under either the Cash Option or the Annual Payment option, shall accrue to the State of Florida and not to the winner.

Specific Authority 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(2), (9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History—New 11-17-05, Replaces 53ER05-26.

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

EFFECTIVE DATE: November 17, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: MEGA MONEY™

RULE NO.: 53ER05-88

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the conduct of MEGA MONEY™ and replaces Emergency Rule 53ER05-25, Florida Administrative Code.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-88 MEGA MONEY™.

(1) How to Play MEGA MONEY™.

(a) MEGA MONEY is a lottery on-line game in which players select four (4) numbers from a field of one (1) through forty-four (44) and one (1) MEGABALL® number from a separate field of one (1) through twenty-two (22).

(b) Players may make their MEGA MONEY ticket selections by marking a play slip or by telling the retailer their desired selections. There are five (5) panels on a play slip, each containing an upper play area and a lower play area. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting five (5) numbers (four (4) in the upper play area and one (1) in the lower play area) from each panel played, or may mark the “Quick Pick” box located at the bottom of each panel for the terminal to randomly select any or all of the five numbers from either or both play areas. A “Void” box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. For each panel played, the first four of the five numbers appearing in a single horizontal row on a MEGA MONEY ticket shall be the numbers selected from the upper play area of the play slip and the last number shall be the MEGABALL number selected from the lower play area of the play slip.

1. Players may mark the “Grouper™” box to receive six (6) quick pick tickets for \$5.00 consisting of one (1) ticket each of CASH 3™, PLAY 4™, FANTASY 5®, MEGA MONEY™, and FLORIDA LOTTO™ plus one (1) free ticket automatically generated by the terminal of either FANTASY 5, MEGA MONEY or FLORIDA LOTTO. Players may mark Grouper in addition to panel plays and/or Quick Picks. Tickets in Grouper play are not player-selected and cannot be cancelled. Grouper play may also be selected by telling the retailer.

2. Players may mark the \$5 “Quick Picks” box to receive one (1) ticket with five (5) sets of five (5) randomly selected numbers for the next MEGA MONEY drawing, or may mark the \$10 “Quick Picks” box to receive one (1) ticket with ten (10) sets of five (5) randomly selected numbers for the next MEGA MONEY drawing. Players may mark Quick Picks in addition to panel plays and/or Grouper. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by a retailer in order to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(c) Players may play up to thirty consecutive MEGA MONEY drawings by using the “advance play” feature. To use the advance play feature, players may either mark the number of drawings desired in the “Advance Play” section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-E) played. Advance play does not apply to Grouper or Quick Picks.

(2) MEGA MONEY Drawings.

(a) MEGA MONEY drawings shall be conducted two (2) times per week, on Tuesday and Friday.

(b) MEGA MONEY drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm (“Accountant”) who shall certify to the integrity, security, and fairness of each drawing.

(c) The equipment (one (1) ball set and one (1) drawing machine) used in a MEGA MONEY drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery’s Security Division (“Draw Manager”) and the Accountant before and after each drawing.

(d) A ball set contains sixty-six (66) balls comprised of one (1) subset of forty-four (44) balls (“subset 1”) and one (1) subset of twenty-two (22) balls (“subset 2”). The balls in subset 1 are numbered one (1) through forty-four (44). The balls in subset 2 are numbered one (1) through twenty-two (22). A MEGA MONEY drawing machine contains two (2) separate mixing chambers and two (2) ball display devices.

(e) Once a set of balls has been selected and inspected, the selected MEGA MONEY drawing machine shall be loaded by the Draw Manager by placing each subset of balls into its mixing chamber. The two (2) subsets of balls shall be mixed by the action of an air blower.

(f) Four (4) balls from subset 1 and one (1) MEGABALL from subset 2 are drawn by vacuum action into their respective display device. The numbers shown on the four (4) balls and the number shown on the MEGABALL, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

(g) In the event a malfunction in the drawing procedures occurs or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in paragraph (2)(b). In using such substitute procedures, the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

(h) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official winning numbers.

(3) Determination of Prize Winners.

(a) Wherever used, the terms “jackpot prize” and “top prize” both refer to the highest prize level in the MEGA MONEY game.

(b) In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E, F, G, H, I, or J) must match the official winning MEGA MONEY numbers in any order for the draw date for which the ticket was purchased, in one of the following combinations:

1. Jackpot Prize: Four (4) numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

2. Second Prize: Four numbers (4) selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

3. Third Prize: Three (3) numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

4. Fourth Prize: Three (3) numbers selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

5. Fifth Prize: Two (2) numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

6. Sixth Prize: One (1) number selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

7. Seventh Prize: Two (2) numbers selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

8. Eighth Prize: No numbers selected from the first subset of balls and the MEGABALL number selected from the second subset of balls.

(4) MEGA MONEY Odds of Winning.

(a) The odds of winning the prizes described in subsection (3) are as follows:

1. Jackpot Prize – 1:2,986,522.00

2. Second Prize – 1:142,215.33

3. Third Prize – 1:18,665.76

4. Fourth Prize – 1:888.85

5. Fifth Prize – 1:638.15

6. Sixth Prize – 1:75.57

7. Seventh Prize- 1:30.39

8. Eighth Prize- 1:32.68

(b) The overall odds of winning a prize in a MEGA MONEY drawing are 1:12.58.

(5) MEGA MONEY Prize Divisions.

(a) MEGA MONEY is a pari-mutuel game. For each draw, fifty percent (50%) of the net sales after cancels and promotional plays shall be allocated as the winning pool for the payment of the jackpot prize, second prize, third prize, fourth prize, fifth prize, sixth prize and seventh prize. Free MEGA MONEY tickets issued as an eighth prize shall not be included in gross revenue calculations.

(b) Jackpot Prize. The jackpot prize pool shall consist of 54.32 percent of the winning pool plus any money carried forward from the prior draw until the jackpot prize pool reaches the estimated cash equivalent of the deferred payment value of \$2 million paid over twenty (20) years, at which point the jackpot prize pool will be capped. When this threshold is met, the jackpot prize pool will comprise zero percent of the winning pool in excess of the cap, and any money in excess of the cap shall roll down and be distributed among the second through the seventh prize levels according to the percentage

each prize level comprises of the adjusted prize pool. The total winning prize pool, less the amount required to achieve the cap (not to exceed 54.32 percent of the total winning prize pool), shall comprise the adjusted prize pool.

1. If there is a jackpot prize winner(s) in a drawing and the jackpot prize pool is not capped, the prize money allocated to the jackpot prize pool shall be divided equally among the jackpot prize winners for that drawing, subject to paragraph (6)(b) below.

2. If there is a jackpot prize winner(s) in a drawing in which the jackpot prize pool is capped, the jackpot prize pool shall be divided equally among the jackpot prize winners for that drawing, subject to paragraph (6)(c) below.

3. If there is not a jackpot prize winner in a drawing and the jackpot prize pool is not capped, the jackpot prize pool shall be carried over and added to the jackpot prize pool of the next MEGA MONEY drawing.

4. If there is not a jackpot prize winner in a drawing in which the jackpot prize pool is capped, the capped amount shall be carried over to the next MEGA MONEY drawing and the money in excess of the cap shall be returned to an adjusted prize pool and then be distributed among the second through the seventh prize levels according to the adjusted percentage each prize level comprises of that winning prize pool.

(c) Second Prize. When the jackpot prize pool is not capped, the second prize pool shall consist of 1.72 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the second prize pool shall consist of 3.75 percent of the adjusted prize pool for the drawing. The second prize pool shall be divided equally among the second prize winners for that drawing.

(d) Third Prize. When the jackpot prize pool is not capped, the third prize pool shall consist of 3.77 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the third prize shall consist of 8.20 percent of the adjusted prize pool for the drawing. The third prize pool shall be divided equally among the third prize winners for that drawing.

(e) Fourth Prize. When the jackpot prize pool is not capped, the fourth prize pool shall consist of 11.25 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the fourth prize pool shall consist of 24.50 percent of the adjusted prize pool for the drawing. The fourth prize pool shall be divided equally among the fourth prize winners for that drawing.

(f) Fifth Prize. When the jackpot prize pool is not capped, the fifth prize pool shall consist of 7.84 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the fifth prize pool shall consist of 17.25 percent of the adjusted prize pool for the drawing. The fifth prize pool shall be divided equally among the fifth prize winners for that drawing.

(g) Sixth Prize. When the jackpot prize pool is not capped, the sixth prize pool shall consist of 7.94 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the sixth prize pool shall consist of 18 percent of the adjusted prize pool for the drawing. The sixth prize pool shall be divided equally among the sixth prize winners for that drawing.

(h) Seventh Prize. When the jackpot prize pool is not capped, the seventh prize pool shall consist of 13.16 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the seventh prize pool shall consist of 28.30 percent of the adjusted prize pool for the drawing. The seventh prize pool shall be divided equally among the seventh prize winners for that drawing.

(i) Eighth Prize.

1. An eighth prize shall consist of one free MEGA MONEY quick pick ticket (\$1.00 value), except as provided in subparagraph (5)(i) 2. below. An eighth prize shall consist of one (1) free MEGA MONEY quick pick ticket regardless of whether the MEGA MONEY jackpot prize pool is capped. Eighth prizes shall not utilize any portion of the winning prize pool or adjusted prize pool for the drawing.

2. A player who submits by mail a MEGA MONEY lottery ticket which entitles the claimant to a free MEGA MONEY quick pick ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(j) If there is not a winner within one of the second through seventh prize categories for a drawing, the prize pool for that category shall be distributed for that drawing in accordance with the following table:

<u>PRIZE POOL CATEGORY FOR WHICH THERE IS NO WINNER</u>	<u>PRIZE POOL CATEGORY TO WHICH THE NONWINNING PRIZE POOL CATEGORY IS ADDED</u>
<u>Second Prize – 4 of 4</u>	<u>3 of 4 + MEGABALL</u>
<u>Third Prize – 3 of 4 + MEGABALL</u>	<u>3 of 4</u>
<u>Fourth Prize – 3 of 4</u>	<u>2 of 4 + MEGABALL</u>
<u>Fifth Prize – 2 of 4 + MEGABALL</u>	<u>1 of 4 + MEGABALL</u>
<u>Sixth Prize – 1 of 4 + MEGABALL</u>	<u>2 of 4</u>
<u>Seventh Prize – 2 of 4</u>	<u>To fund future prizes in Lottery games or for special Lottery prize promotions</u>

(k) Except for the jackpot prize, all prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the sixth and seventh prizes shall be no less than \$2.00. All rounding differences will be used to fund future prizes in Lottery games or for special Lottery prize promotions.

(6) MEGA MONEY Estimated Jackpot.

(a) For each drawing the Lottery will announce the estimated deferred payment value of the MEGA MONEY jackpot that can be won by a single player, based upon the estimated cash value of the jackpot pool determined by projected and historical sales figures, current interest rates, and funds from rollovers. For each MEGA MONEY drawing, the deferred payment value of the MEGA MONEY jackpot prize that can be won by a single player shall be guaranteed at a minimum of \$500,000 paid over twenty (20) years except as set forth in subparagraph (7)(d)3. below.

(b) If the cash available in the jackpot prize pool is insufficient at the time the ticket is submitted for payment to yield \$500,000 paid over the twenty (20) year deferred payment period, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the jackpot prize pool to render it sufficient.

(c) In the event the cash available in the jackpot prize pool is insufficient at the time the ticket is submitted for payment to yield \$2 million paid over twenty (20) years on an announced jackpot prize of \$2 million, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the jackpot prize pool to render it sufficient.

(7) MEGA MONEY Payment Options.

(a) Players can choose one of two payment options for receiving their portion of the MEGA MONEY jackpot prize. Payment options are “Cash Option” and “Annual Payment.”

(b) Jackpot prize winners have sixty days after the winning draw date to choose between the two payment options. Once the jackpot prize winner signs the Winner Claim Form and exercises the winner’s chosen option, the election of that option shall be final. Winner Claim Form DOL-173-2, Revised 9/05, and Spanish Winner Claim Form DOL 173-S, Revised 9/05, are incorporated herein by reference and may be obtained from any Lottery retailer, Lottery office, or from the Lottery’s web site at www.flalottery.com. In order to select the Cash Option, the jackpot prize winner must submit his or her ticket for payment within sixty days after the winning draw date. If the jackpot prize winner does not file a claim electing the Cash Option within sixty days after the winning draw date, the Annual Payment option will be applied, except as provided in paragraph (7)(e) below.

(c) A jackpot prize winner who chooses the Cash Option for payment will receive one lump sum cash payment of his or her portion of the amount in the jackpot prize pool that is available for investment, less applicable withholding taxes, except as follows:

1. The minimum amount of the cash option payment to a single winner will be the amount required at the time the ticket is submitted for payment to purchase securities to fund \$500,000 paid over twenty (20) years, less applicable withholding taxes. The minimum amount of the cash option payment to multiple winners will be their pro rata share of the

amount required at the time the ticket is submitted for payment to purchase securities to fund \$500,000 paid over twenty (20) years, less applicable withholding taxes.

2. The minimum amount of the cash option payment to a single winner in a MEGA MONEY drawing in which the jackpot prize was announced at \$2 million will be the amount required at the time the ticket is submitted for payment to purchase securities to fund \$2 million paid over twenty (20) years, less applicable withholding taxes. The minimum amount of the cash option payment to multiple winners will be their pro rata share of the amount required at the time the ticket is submitted for payment to purchase securities to fund \$2 million paid over twenty (20) years, less applicable withholding taxes.

(d) If a jackpot prize winner elects the Annual Payment option, his or her portion of the amount in the jackpot prize pool will be invested in U.S. Treasury securities to provide an income stream to the winner of twenty (20) annual installments, each less applicable withholding taxes, except as follows:

1. The minimum amount payable to a single winner over twenty (20) years will be \$500,000, less applicable withholding taxes, except as set forth in subparagraph (7)(d)3. below. The minimum amount payable to multiple winners over twenty (20) years will be their pro rata share of \$500,000, less applicable withholding taxes, except as set forth in subparagraph (7)(d)3. below.

2. If a jackpot prize winner elects the Annual Payment option in a MEGA MONEY drawing in which the jackpot prize is announced at \$2 million, his or her portion of the jackpot prize pool will be invested in U.S. Treasury securities to provide an income stream to the winner of twenty (20) annual installments, each less applicable withholding taxes, subject to paragraph (6)(c) above and except as set forth in subparagraph (7)(d)3. below. Available cash in the jackpot prize pool that cannot be invested in increments of \$1,000 in twenty (20) installments is deemed "excess cash" and will be paid to the winner in the first payment. See Example 1 below.

3. If the prize amount per winner in a MEGA MONEY drawing in which the jackpot prize is guaranteed at \$500,000 or announced at \$2 million cannot be paid in increments of \$1,000 in twenty (20) installments, the winner's share of the prize pool will be invested in U.S. Treasury securities that will yield the maximum amount possible over twenty (20) years as can be reached in increments of \$1,000. If the amount the investment will yield is less than the guaranteed prize amount, the present value of the difference between the amount the investment will yield and the winner's guaranteed prize amount over twenty (20) years will be paid to the winner in the first payment. See Example 2 below. If the amount the investment will yield is greater than the guaranteed prize amount, the excess cash in the jackpot prize pool that cannot be invested in increments of \$1,000 in twenty (20) installments will be paid to the winner in the first payment.

See Example 3 below.

The following examples illustrate such payments. All payment amounts are less tax withholding.

Example 1:

<u>Announced Jackpot prize</u>	<u>\$2,000,000</u>
<u>Prize Pool available for investment</u>	<u>\$1,315,769</u>
<u>Number of winners</u>	<u>1</u>
<u>Investment Yield (Actual Jackpot)</u>	<u>\$2,015,000</u>
<u>Per year payment (\$2,015,000 ÷ 20)</u>	<u>\$100,750</u>
<u>Cash required to purchase 20 payments of \$100,000</u>	<u>\$1,307,769</u>
<u>Excess Cash (\$1,315,769 – \$1,307,769)</u>	<u>\$8,000</u>
<u>First payment (\$100,000 + \$8,000)</u>	<u>\$108,000</u>
<u>Next 19 annual payments</u>	<u>\$100,000</u>

Example 2:

<u>Guaranteed Jackpot prize</u>	<u>\$500,000</u>
<u>Prize Pool available for investment</u>	<u>\$335,000</u>
<u>Number of winners:</u>	<u>2</u>
<u>Guaranteed prize per winner (\$500,000 ÷ 2)</u>	<u>\$250,000</u>
<u>Pro rata share of Prize Pool (\$335,000 ÷ 2)</u>	<u>\$167,500</u>
<u>Maximum investment yield in increments of \$1,000</u>	<u>\$240,000</u>
<u>First payment (\$240,000 ÷ 20) \$12,000 + Present Value of \$10,000 (\$250,000 – \$240,000) annuitized over 20 years</u>	<u>\$12,000</u>
<u>Next 19 annual payments</u>	<u>\$12,000</u>

Example 3:

<u>Announced Jackpot prize</u>	<u>\$2,000,000</u>
<u>Prize Pool available for investment</u>	<u>\$1,315,769</u>
<u>Number of winners:</u>	<u>3</u>
<u>Prize per winner (\$2,000,000 ÷ 3)</u>	<u>\$666,666.67</u>
<u>Pro rata share of Prize Pool (\$1,315,769 ÷ 3)</u>	<u>\$438,589.67</u>
<u>Investment Yield (Actual Jackpot)</u>	<u>\$2,020,000</u>
<u>Pro rata share of Actual Jackpot (\$2,020,000 ÷ 3)</u>	<u>\$673,333.33</u>
<u>Per year payment (\$673,333.33 ÷ 20)</u>	<u>\$33,666.67</u>
<u>Cash required to purchase 20 payments of \$33,000</u>	<u>\$429,902.80</u>
<u>Excess Cash (\$438,589.67 – \$429,902.80)</u>	<u>\$8,686.87</u>
<u>First payment (\$33,000 + \$8,686.87)</u>	<u>\$41,686.87</u>
<u>Next 19 annual payments</u>	<u>\$33,000</u>

4. The provisions of subparagraph (7)(d)3. shall not be construed to prohibit the Lottery from investing collectively, in a single U.S. Treasury security, the prize pool shares of

multiple winners of the same drawing who all elect the Annual Payment option, and distributing the prize winnings on a pro rata basis in increments other than \$1,000.

(e) If the cash available in the jackpot pool, including any required supplement as provided in paragraphs (6)(b) and (c) above, is determined on the business day following the drawing to be insufficient to yield at least \$100,000 over twenty (20) years for each winning ticket, the Lottery shall pay the jackpot winner or winners in a single cash payment of their share of the amount in the jackpot pool available for investment determined on the business day following the drawing, less applicable withholding taxes.

(f) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(g) Any interest or earnings accrued on a MEGA MONEY jackpot prize prior to the prize payment, under either the Cash Option or the Annual Payment Option, shall accrue to the State of Florida and not to the winner.

(8) MEGA MONEY Rules and Prohibitions.

(a) By purchasing a MEGA MONEY ticket, a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) MEGA MONEY prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

(d) Subject to a retailer's hours of operation and on-line system availability, MEGA MONEY lottery tickets are available for purchase daily between the hours of 6:00 a.m. and 12:00 midnight, Eastern Time (ET).

(e) The scheduled time for the Tuesday and Friday MEGA MONEY drawings is approximately 11:00 p.m., ET. Ticket sales for a specific MEGA MONEY drawing will close approximately twenty minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next MEGA MONEY draw date.

(f) Retailer cancellations of MEGA MONEY tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours after printing, except that no MEGA MONEY ticket can be cancelled after game close for the related drawing and no eighth prize (free MEGA MONEY quick pick ticket) can be cancelled at any time. MEGA MONEY tickets that produce cash prize coupons, entry vouchers or free FLORIDA LOTTO tickets in the "Cash For the Holidays" promotion cannot be cancelled. The two (2)-hour ticket cancellation period may be

reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related MEGA MONEY close of game.

(g) It is the responsibility of the player to determine the accuracy of selected panels of numbers and date(s) on tickets. In the event that a ticket given to the player by the retailer contains selections which are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of the player by the "quick pick" method of number selection.

Specific Authority 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History--New 11-17-05, Replaces 53ER05-25.

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

EFFECTIVE DATE: November 17, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Cash for the Holidays Promotion
 RULE NO.: 53ER05-89

SUMMARY OF THE RULE: The Department of the Lottery will conduct a "Cash for the Holidays" promotion between November 21, 2005 and December 30, 2005, in which cash prizes, free FLORIDA LOTTO™ tickets and Million Dollar New Year's Eve Drawing Entry Vouchers will be awarded.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-89 Cash for the Holidays Promotion.

(1) Beginning November 21, 2005, through December 30, 2005, players who purchase a \$5 or more FLORIDA LOTTO™, MEGA MONEY™, or FANTASY 5® ticket will have the opportunity to win the following estimated number of prizes:

- 50 = \$1,000 prizes
- 1,000 = \$100 prizes
- 5,000 = \$50 prizes
- 30,000 = \$25 prizes
- 102,000 = free FLORIDA LOTTO tickets
- 900,000 = Million Dollar New Year's Eve Drawing Entry Vouchers

The actual number of prizes awarded, and the odds of winning a prize, will depend upon FLORIDA LOTTO, MEGA MONEY, and FANTASY 5 ticket sales during the period beginning November 21, 2005, through December 30, 2005. The estimated number of prizes that will be awarded each week during the promotional period is:

8	=	\$1,000 prizes
167	=	\$100 prizes
833	=	\$50 prizes
5,000	=	\$25 prizes
17,000	=	free FLORIDA LOTTO tickets
150,000	=	Million Dollar New Year's Eve Drawing Entry Vouchers.

(2) A special tune will play on the terminal when a FLORIDA LOTTO, MEGA MONEY, or FANTASY 5 ticket is produced that entitles the player to a Cash for the Holidays prize. FLORIDA LOTTO, MEGA MONEY, and FANTASY 5 tickets producing Cash Prize Coupons will contain a Lottery Prize Alert symbol and a message that the ticket holder is a winner of the applicable cash amount. Tickets producing Million Dollar New Year's Eve Drawing Entry Vouchers will contain a message notifying the player of his or her entry into the Million Dollar New Year's Eve Drawing. A free FLORIDA LOTTO quick pick ticket for the next drawing will print automatically after issuance of the winning ticket. Should any issues arise concerning the transaction and/or prize, it is the player's responsibility to seek resolution of these issues with the retailer and the Lottery prior to leaving the retail location.

(3) Winners can redeem Cash Prize Coupons for \$25, \$50 or \$100 at any Florida Lottery retailer. To redeem a \$1,000 Cash Prize Coupon, winners must complete the back of the coupon and present it for payment at any Florida Lottery office or call (850)487-7777 [TDD (850)487-7784] for instructions on how to claim the Cash Prize Coupon by mail. In the event of a dispute concerning the type or amount of a prize, the transaction serial number shall control.

(4) Winners must redeem Cash Prize Coupons by February 28, 2006.

(5) Cash Prize Coupons and Million Dollar New Year's Eve Drawing Entry Vouchers shall be disqualified if any part is illegible, altered, mutilated, tampered with or duplicated. FLORIDA LOTTO, MEGA MONEY and FANTASY 5 tickets that win Cash for the Holidays prizes cannot be cancelled.

(6) Million Dollar New Year's Eve Drawing.

(a) Million Dollar New Year's Eve Drawing Entry Vouchers will bear a unique ticket number. A random, computerized drawing will be held on December 31, 2005 to select a total of eleven ticket numbers. The first ticket number drawn will be entitled to a prize of one million dollars in a single payment. The remaining ten ticket numbers drawn will each be entitled to a prize of \$1,000 and will be alternates, in the order drawn, for the one million dollar prize.

(b) A prizewinner possessing a Million Dollar New Year's Eve Drawing Entry Voucher bearing one of the eleven ticket numbers drawn must present the winning Voucher to a Florida Lottery office on or before June 29, 2006, along with a completed Winner Claim Form DOL 173-2, or DOL 173-S (together referred to as the "claim package"). Winner Claim Form DOL-173-2, Revised 9/05, and DOL 173-S, Revised 9/05, are hereby incorporated by reference and may be obtained from any Lottery retailer, Lottery office or from the Lottery's web site at www.flalottery.com. Failure of a prizewinner to file a claim for a voucher prize on or before June 29, 2006, shall result in forfeiture of the prize.

(c) If the Voucher bearing the first ticket number drawn is not presented to a Lottery office for payment on or before June 29, 2006, the Vouchers bearing the alternate ticket numbers that have been presented to a Lottery office for payment on or before June 29, 2006, will be used in the order in which they were drawn in the Million Dollar New Year's Eve Drawing to select the million dollar prizewinner. If no vouchers bearing the selected ticket numbers are presented for payment by June 29, 2006, the million dollar prize will not be awarded.

(d) If the Voucher bearing the first ticket number drawn is not presented to a Lottery office for payment on or before June 29, 2006, the Lottery will attempt to notify the first alternate drawn and who filed a claim for the \$1,000 prize for a period of two weeks. If the Lottery is unable to contact the first alternate, the Lottery will attempt to notify the second alternate drawn and who filed a claim for the \$1,000 prize for a period of two weeks. This process will continue until an alternate is contacted or the Lottery has exhausted the list of available alternates who filed a claim for the \$1,000 prize, in which case the million dollar prize will not be awarded.

(e) All drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm who certifies that all drawing procedures have been followed.

(7) Cash for the Holidays prizes will be paid in accordance with the procedures set forth in Rule 53ER05-73, F.A.C., or applicable replacement rule.

(8) Players must be at least 18 years of age. Persons prohibited by Section 24.116, F.S., from purchasing a Florida Lottery ticket are not eligible to win.

(9) Payment of all federal, state and/or local taxes on cash prizes will be the responsibility of the winner. Federal withholding taxes will be applied to the million dollar prize, and prizes of \$1,000 are reportable in accordance with the Internal Revenue Code and the Code of Federal Regulations.

(10) All Cash for the Holidays prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder.

(11) The Florida Lottery will post at www.flalottery.com a list of the Cash for the Holidays winners of claimed prizes of \$1,000 or more, including the winners' cities and states of residence, following the conclusion of the promotion.

(12) The odds of winning a prize in the Cash for the Holidays promotion will depend upon the number of FLORIDA LOTTO, MEGA MONEY and FANTASY 5 tickets sold during the promotion.

Specific Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History--New 11-17-05.

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

EFFECTIVE DATE: November 17, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Cash for the Holidays Retailer Incentive Rules RULE NO.: 53ER05-90

SUMMARY OF THE RULE: The Department of the Lottery will conduct a "Cash for the Holidays Retailer Incentive" program between November 21, 2005 and December 30, 2005 in which retailers will receive bonus sales commissions for selling specified game tickets.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-90 Cash for the Holidays Retailer Incentive Rules.

(1) Beginning November 21, 2005, through December 30, 2005, players who purchase a \$5 or more FLORIDA LOTTO™, MEGA MONEY™, or FANTASY 5® ticket will have the opportunity to win free FLORIDA LOTTO™ tickets, Million Dollar New Year's Eve Drawing Entry Vouchers and coupons entitling players to cash prizes of \$25, \$50, \$100 or \$1,000.

(2) Cash Prize Coupons of \$25, \$50, and \$100 can be redeemed instantly at any Lottery retailer. Retailers will receive a 1% cashing bonus on all Cash Prize Coupons paid in their stores between November 21, 2005, and February 28, 2006. Cash Prize Coupons of \$1,000 must be claimed at a Lottery Office.

(3) Florida Lottery retailers who sell FLORIDA LOTTO, MEGA MONEY or FANTASY 5 cash prizewinning Cash for the Holidays tickets between Monday, November 21, 2005 and Friday, December 30, 2005 will receive bonus sales commissions. The retailer's bonus sales commission will be 20% of the player's prize value for each Cash Prize Coupon issued in the retailer's store.

Cash for the Holidays Retailer Bonus Commissions

<u>Player's Instant Cash Prize</u>	<u>Retailer's Bonus Sales Commission</u>	<u>Estimated Total Winners</u>
\$1,000	\$200	50
\$100	\$20	1,000
\$50	\$10	5,000
\$25	\$5	30,000

(4) Florida Lottery retailers will receive their standard 5% sales commission on all on-line tickets sold and free FLORIDA LOTTO promotional tickets issued in their store.

(5) Florida Lottery retailers who sell FLORIDA LOTTO, MEGA MONEY, or FANTASY 5 tickets that win Cash for the Holidays prizes between Monday, November 21, 2005, and Friday, December 30, 2005, will qualify for chance to win up to \$50,000 in the Cash for the Holidays Retailer Drawing. Retailers will automatically be entered into the Retailer Drawing every time a Cash Prize Coupon, Million Dollar New Year's Eve Drawing Entry Voucher or Cash for the Holidays free FLORIDA LOTTO ticket is issued in their store.

(6) The Cash for the Holidays Retailer Drawing will be held during the first week of January 2006. A computerized random drawing from the automatic retailer entries described in subsection (5) will select a total of twenty-one retailers. The first eligible retailer drawn will receive \$50,000 cash. The next ten eligible retailers drawn will receive \$10,000 each. If a selected retailer is deemed ineligible to receive a prize, the prize will be awarded to the next eligible retailer based on the order in which the retailers were drawn.

Cash for the Holidays Retailer Drawing Prizes

<u>Prize</u>	<u>Statewide Winners</u>
\$50,000	1
\$10,000	10

(7) All Florida Lottery retailers are eligible for Cash for the Holidays bonus commissions. All Florida Lottery retailers in good financial standing with the Florida Lottery at the time drawing prizes are awarded are eligible to win a prize in the Cash for the Holidays Retailer Drawing. A retailer can win more than one prize in the Cash for the Holidays Retailer Drawing.

(8) The eligibility of retailers selected in the Retailer Drawing will be determined following the drawing. Good financial standing is defined as having no dishonored unpaid electronic funds transfers or associated penalties or any other accounts receivable outstanding for more than sixty (60) days. Retailers whose Lottery contracts are terminated or inactivated prior to the prize award shall be paid the prize won provided said termination or inactivation was not due to noncompliance with Chapter 24, F.S., Chapter 53, F.A.C., or contract terms.

(9) The bonus sales commission will be reflected as an on-line adjustment on the retailer's weekly Settlement Report. Prizes for the Cash for the Holidays Retailer Drawing will be

awarded by check prior to January 31, 2006. Retailers will receive payment for Retailer Drawing prizes upon determination by the Lottery of the prize amount and retailer eligibility as set forth in this rule. Bonus commissions and drawing prizes will be reported to the Internal Revenue Service as compensation. The Lottery reserves the right to apply prizes won against outstanding debt for retailers meeting all eligibility requirements.

Specific Authority 24.105(9), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9), 24.112(1) FS. History--New 11-17-05.

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

EFFECTIVE DATE: November 17, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 622, LUCKY WHEEL
 RULE NO.: 53ER05-91
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 622, "LUCKY WHEEL," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-91 Instant Game Number 622, LUCKY WHEEL.

(1) Name of Game. Instant Game Number 622, "LUCKY WHEEL".

(2) Price. LUCKY WHEEL lottery tickets sell for \$2.00 per ticket.

(3) LUCKY WHEEL lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning LUCKY WHEEL lottery ticket, the ticket must meet the applicable requirements of Rule 53ER05-73, F.A.C.

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

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

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

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

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

TICKET	\$1.00	\$2.00	\$5.00		
TICKET	ONE	TWO	FIVE		
\$10.00	\$15.00	\$20.00	\$25.00		
TEN	FIFTEEN	TWENTY	TWY FIVE		
\$50.00	\$100	\$250	\$1,000	\$10,000	
FIFTY	ONE HUN	TWOHUNTY	ONE THO	TEN THO	

(7) The legends are as follows:

YOUR NUMBERS WHEEL NUMBERS

(8) Determination of Prizewinners.

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

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$50.00, \$100, \$250, \$1,000 and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or

combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a LUCKY WHEEL lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 622 are as follows:

<u>GAME PLAY</u>	<u>WIN</u>	<u>ODDS OF</u>	<u>NUMBER OF</u>
<u>TICKET</u>	<u>\$2 TICKET</u>	<u>1 IN</u>	<u>WINNERS IN</u>
			<u>42 POOLS OF</u>
			<u>180,000 TICKETS</u>
			<u>PER POOL</u>
\$2	\$2	50.00	756,000
\$2 x 2	\$4	25.00	151,200
\$1 + (\$2 x 2)	\$5	37.50	302,400
\$5	\$5	37.50	201,600
\$1 + (\$2 x 2) + \$5	\$10	75.00	201,600
\$2 x 5	\$10	75.00	100,800
\$10	\$10	150.00	100,800
\$5 x 5	\$25	150.00	50,400
(\$5 x 2) + (\$10 x 4)	\$50	1,200.00	50,400
\$10 x 5	\$50	1,200.00	6,300
\$50	\$50	450.00	6,300
(\$10 x 7) + (\$15 x 2)	\$100	29,076.92	16,800
\$25 x 4	\$100	34,363.64	260
\$100	\$100	37,800.00	220
(\$20 x 5) + (\$25 x 4)	\$200	37,800.00	200
\$250 x 4	\$1,000	252,000.00	30
\$1,000	\$1,000	378,000.00	20
\$10,000	\$10,000	1,512,000.00	5

(10) The estimated overall odds of winning some prize in Instant Game Number 622 are 1 in 3.89. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 622, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for LUCKY WHEEL lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 11-17-05.

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

EFFECTIVE DATE: November 17, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 623, SNAKE EYES
 RULE NO.: 53ER05-92

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 623, "SNAKE EYES," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-92 Instant Game Number 623, SNAKE EYES.

(1) Name of Game. Instant Game Number 623, "SNAKE EYES."

(2) Price. SNAKE EYES lottery tickets sell for \$1.00 per ticket.

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

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



(5) The "SNAKE ROLL" play symbols and play symbol captions are as follows:



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

TICKET	\$1.00	\$2.00	\$5.00	\$10.00
TICKET	ONE	TWO	FIVE	TEN
\$20.00	\$25.00	\$50.00	\$100	\$2,500
TWENTY	THY FIVE	FIFTY	ONE HUN	THY FIV HUN

(7) The legends are as follows:

SNAKE ROLL YOUR ROLLS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR ROLLS" play area that matches any number in the "SNAKE ROLL" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to 6 sets of matching numbers.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, and \$2,500. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a SNAKE EYES lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.



(c) A ticket having a "WIN" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$25.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 623 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF
TICKET	\$1 TICKET	1 IN	WINNERS IN
			56 POOLS OF
			180,000 TICKETS
			PER POOL
\$1	\$1	10.00	1,008,000
\$1 x 2	\$2	30.00	336,000
\$1 x 5	\$5	50.00	201,600
\$2 x 5	\$10	300.00	33,600
\$5 x 3	\$15	300.00	33,600
\$5 x 4	\$20	300.00	33,600
\$25 (SNAKE EYES)	\$25	300.00	33,600
(\$5 x 2) + (\$10 x 4)	\$50	3,600.00	2,800
(\$10 x 2) + (\$20 x 4)	\$100	25,200.00	400
(\$50 x 2) + (\$100 x 4)	\$500	265,263.16	38
\$2,500	\$2,500	1,008,000.00	10

(10) The estimated overall odds of winning some prize in Instant Game Number 623 are 1 in 3.75. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 623, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for SNAKE EYES lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS, Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 11-17-05.

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

EFFECTIVE DATE: November 17, 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: State Temporary Recovery Assistance Program
 RULE NO.: 65AER05-3
 SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: The people of Franklin and Gulf Counties face an economic crisis that threatens their livelihood and way of life. Their already fragile economies were devastated by the effects of Hurricanes Dennis and Katrina and the Red Tide that closed the oyster and shrimp beds and is destroying the fishing industry upon which the residents are so dependent. An emergency exists for families in these counties because the cumulative affects of the disasters is more than their fragile rural economies can withstand, resulting in their prolonged inability to earn a living. Without the emergency cash assistance being made available through STRAP, families and individuals will be at risk of losing the equipment and tools needed to earn their livelihood, putting their families 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 short term assistance needed to address the emergency needs of families, and (b) specify eligibility criteria and verification requirements for STRAP 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 STRAP, 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 December 7, 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 STRAP include definitions; and, requirements related to application, eligibility, income and assets, residency, verification; and to provide for a non-recurrent cash assistance payment of \$1,000. It also incorporates forms by reference for the program.

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:

65AER05-3 State Temporary Recovery Assistance Program.

(1) Definitions:

(a) Application for STRAP means CF-ES Form 2351, Application for State Temporary Recovery Assistance Program (STRAP), Nov 2005, incorporated by reference.

(b) Assistance Group or Eligible Family means individuals whose needs, income, and resources are considered to determine eligibility for STRAP.

(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) Designated Geographic Area means a county that has been:

1. Designated by the Governor as a Rural Area of Critical Economic Concern in accordance with Section 288.0656(7), F.S.;

2. Declared as a major federal disaster area two or more times within the past 6 months; and is

3. Evidencing persistent adverse economic impact on its core industry(ies) as a result of natural phenomena evidenced by increased unemployment claims, small business losses, and other adverse economic conditions resulting from natural phenomena.

(2) Household Eligibility Requirements for STRAP. The family:

(a) Would most likely meet all requirements of eligibility for Temporary Cash Assistance in accordance with Section 414.095, F.S., except for income and assets. The household must contain an eligible adult household member and at least one minor related child.

(a) Must be a resident of the Designated Geographic Area at the time of application.

(b) Must apply for STRAP within 10 working days from the date the program becomes operational in their county.

(c) Must be experiencing emergency situations that are impeding their ability to obtain or maintain employment. These situations include the need to:

1. Replace a loss or reduction in income;

2. Replace or repair housing or necessary items for the home or pay temporary shelter expenses;

3. Repair or replace self-employment property or equipment; or

4. Pay other expenses.

(d) Must have available gross monthly income less than 200 percent of the federal poverty level for their household size.

(e) Must have available liquid assets equal to or less than \$2,000.

(f) Must meet the technical requirements of citizenship/alien status set forth in Section 414.095(3), F.S. the non-fleeing felon status set forth in Section 414.095(14)(g), F.S., and the fraud provisions set forth in Section 414.39, F.S. and 45 CFR 235.110.

(g) Cannot receive STRAP more than once.

(h) Cannot be concurrently receiving TCA.

(i) Must sign an agreement, using CF-ES Form 2352, State Temporary Recovery Assistance Program (STRAP) Agreement, Nov 2005, incorporated by reference, not to apply for TCA for three consecutive months beginning with the month of receipt of the STRAP payment unless a demonstrated emergency occurs.

(3) Approval for Payment. Upon determination of eligibility, the household will be approved for the receipt of a nonrecurring payment of \$1,000.

(4) Current recipients of TCA may request closure of their ongoing TCA benefit and apply for STRAP without a separate application.

(5) For STRAP, the following verification procedures apply:

(a) Identity and residency in the disaster area will be verified through readily acceptable documentation such as a driver's license, utility or other bill with the applicant's name and address, tax records or other government documents with the applicant's name and address if available, or a collateral contact verifying the applicant's identity and family's residence.

(b) Acceptance of the applicant(s) or assistance group statement, unless questionable, as to household composition, income, resources, citizenship, non-fleeing felon status, ability to work, or other information pertinent to determining eligibility.

(6) Hardship Exceptions. Households that receive a STRAP payment cannot receive TCA benefits for three consecutive months beginning with the month of STRAP eligibility unless a demonstrated emergency occurs. If the household applies for TCA within three months, the household must demonstrate that an emergency necessitates a hardship exception to the policy. The following are allowable exceptions to receiving TCA:

(a) A significant loss of income or employment;

(b) Loss of housing; or

(c) Other unforeseen emergencies.

(7) STRAP Repayment. Upon determination that the household meets the hardship criteria, the department will complete the TCA eligibility determination and calculate the repayment value of the STRAP payment. The STRAP repayment amount will be reduced by one-third for each month the family does not receive TCA (i.e., The month of receipt of the STRAP payment and subsequent months). The repayment amount will be prorated over the next eight months of TCA receipt.

(8) Effective Date. Implementation will begin in Franklin County on November 17, 2005, followed by Gulf County by December 1, 2005.

Specific Authority 414.45 FS. Law Implemented 414.16, 414.1599 FS. History—New 11-16-05.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME IS SPECIFIED IN RULE.

EFFECTIVE DATE: November 16, 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 (District) announces its intent to grant a variance from the provisions of paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005), including Sections 10.1.1(c), 12.1.1(d), and 12.2.5(c), to the Florida Department of Environmental Protection (FDEP), Office of Coastal and Aquatic Managed Areas (CAMA) for work proposed to occur at the Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR) Environmental Education Center in St. Johns County. These rules are designed to protect shellfish harvesting waters and require permit applicants to comply with additional criteria when the proposed work is located in, adjacent to, or in close proximity to Class II waters. The Petitioner is seeking a variance in conjunction with Environmental Resource Permit Application 40-109-85170-5 to construct one dock to provide access to the water for research, resource management, law enforcement, and public education activities, and to conduct a shoreline restoration project. The dock and shoreline restoration project is proposed to occur directly in the Guana River, which is a Class II water that is classified by the Department of Agricultural and Consumer Services as conditionally restricted for shellfish harvesting. Notice of receipt of the Petition for Variance was published in the Florida Administrative Weekly on September 2, 2005. The District's Governing Board is scheduled to take final action on the Petition for Variance and the related permit application at its December 13 meeting.

A person whose substantial interests are or may be determined by the District's proposed decision has the right to request an administrative hearing by filing a written petition with the District. Mediation is not available. Pursuant to Chapter 28-106 and Rule 40C-1.1007, F.A.C., and Section 403.201, F.S., the petition must be filed (received) by hand delivery or

mail with the District Clerk, District Headquarters, 4049 Reid St., Palatka, FL 32177, or by e-mail with the District Clerk at Clerk@sjrwmd.com, within nineteen (19) days of the District depositing notice of its decision in the mail (for those persons to whom the District sends actual notice) or within fourteen (14) days of newspaper publication of the notice of District decision (for those persons to whom the District does not send actual notice). A petition for an administrative hearing is deemed filed upon receipt of the petition by the District Clerk at the District Headquarters. Receipt by the District Clerk after 5:00 p.m. shall be considered filed as of 8:00 a.m. on the next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation, which is available at www.sjrwmd.com or upon request to the District Clerk. The District does not accept petitions by facsimile. Petitions must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), F.S., and Chapter 28-106, F.A.C. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, F.S., and Chapter 28-106, F.A.C., and Rule 40C-1.1007, F.A.C.

If the Governing Board takes action which substantially differs from the notice of District intended action, persons who may be substantially affected have an additional 14 days from the date of receipt of notice of intended action to request an administrative hearing, but the request for administrative hearing shall only address the substantial deviation.

Pursuant to Section 120.68, F.S., a person who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to the Florida Rules of Appellate Procedure within 30 days of the rendering of the final District action. For appeals to the District Courts of Appeal, a District action is considered rendered after it is signed on behalf of the District and is filed by the District Clerk.

A party to the proceeding before the District who claims that a District order is inconsistent with the provisions and purposes of Chapter 373, F.S., may seek review of the order pursuant to Section 373.114, F.S., by the Florida Land and Water Adjudicatory Commission, by filing a request for review with the Commission and serving a copy on the Department of Environmental Protection and any person named in the order within 20 days of the rendering of the District order. Review by the Florida Land and Water Adjudicatory Commission is not available for final orders resulting from an evidentiary hearing held under Sections 120.569 and 120.57, F.S., or for rules adopted after issuance of a final order resulting from an evidentiary hearing under Section 120.56, F.S.

Failure to observe the relevant time frames for filing a petition will result in waiver of that right to review.

The Petition for Variance (F.O.R. 2005-44) and permit application files are available for public inspection during normal business hours, 8:00 a.m. through 5:00 p.m., Monday

through Friday, except legal holidays, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177. Request for copies or inspection of these files should be made to: Tara Boonstra, Assistant General Counsel, Office of General Counsel, at the address above, or by telephone at (386)329-4448.

NOTICE IS HEREBY GIVEN that on November 16, 2005, South Florida Water Management District (District) received a petition for waiver from Roberto M. and Connie G. Martinez, Application Number 04-1105-2 for issuance of a Modification to Right of Way Occupancy Permit Number 8295, for utilization of Works or Lands of the District known as the C-2 Canal, Miami-Dade County, to allow existing trees and landscaping to remain within 40 feet of the top of the canal bank within the south right of way of C-2, Section 33, Township 54 South, Range 40 East. The petition seeks relief from subsections 40E-6.011(4), (5), (6) and paragraphs 40E-6.221(2)(a) and (j), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320 or e-mail at kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406. Attn: Kathie Ruff, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on November 9, 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), F.A.C., from Catering by George located in Clearwater. The above referenced Florida Administrative Codes address 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 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.

NOTICE IS HEREBY GIVEN that on November 9, 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), F.A.C., from A. Aquilar Catering located in Orlando. The above referenced Florida Administrative Codes address 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 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.

NOTICE IS HEREBY GIVEN that on November 3, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), F.A.C., from Osaka Sushi Bar and Restaurant located in Miramar Beach. The above referenced Florida Administrative Code states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to have seventy-three (73) seats with no public bathrooms in the facility. They are requesting to use centrally located bathroom facilities.

The variance was approved on November 14, 2005 and is contingent upon Petitioner notifying guests to the location of the public bathroom facilities by directional signage, the public bathrooms have hot and cold running water at all times, operate in a clean and sanitary manner, provided with soap and an approved method to dry hands. Petitioner will have no more than seventy three (73) seats in the establishment which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, F.S. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, F.S.

NOTICE IS HEREBY GIVEN that on November 16, 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), F.A.C., from Tango Mariachi located in Orlando. The above referenced Florida Administrative Codes address 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 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.

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 Medicine hereby gives notice that it has issued an Order on the Petition for Waiver and Variance filed by Joseph DiSalvo, M.D., seeking a waiver or variance from Rule 64B8-4.009, F.A.C., with regard to official verification of medical education. The Petition was filed on August 11, 2005, and the Notice was published in Vol. 31, No. 35, of the September 2, 2005, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on September 17, 2005, and the Board voted to accept the Committee's recommendation at its meeting held on October 8, 2005. The Board voted to deny the Petition for the following reasons: the Petitioner failed to demonstrate that he meets the purpose of the underlying statute. The Board's Order denying the Petition was filed on November 16, 2005.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Psychology hereby gives notice of the issuance of an Order regarding the Amended Petition for Waiver or Variance, which was filed on July 28, 2005 by Robin O'Hearn, Ph.D. The Amended Notice of Petition for Waiver or Variance was published in Vol. 31, No. 33, of the August 19, 2005, Florida Administrative Weekly. The Petitioner was seeking a waiver or variance with regard to allowing hours spent in excess of time limits established by the rule, to be counted toward the post-doctoral experience requirements for licensure as provided under subparagraph 64B19-11.005(2)(c)1., F.A.C., entitled "Supervised Experience Requirements." The Board considered the instant Petition at a duly-noticed public meeting, held October 7, 2005, in Jacksonville, Florida.

The Board's Order, filed on November 2, 2005, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 490.005, would be met by granting a variance or waiver from subparagraph 64B19-11.005(2)(c)1., F.A.C. The Board further finds that Petitioner has established that applying the requirements of the aforementioned Rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Board's Order may be obtained by contacting: Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3755.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Health, Bureau of Emergency Medical Services, received a Petition for Temporary Emergency Variance November 4, 2005, from the American Safety and Health Institute, Holiday, Florida

Applicable Rule: subsections 64E-2.038(1), (2), (3), (5), F.A.C.

Requested Action: To grant the American Safety and Health Institute a temporary emergency variance to subsections 64E-2.038(1), (2), (3), (5), F.A.C., which requires accreditation by the Continuing Education Coordinating Board for Emergency Medical Services (CECBEMS) of cardiopulmonary resuscitation (CPR) or advanced cardiac life support (ACLS) courses to be accepted as equivalent to CPR or ACLS courses conducted by the American Heart Association or the American Red Cross.

Comments on or requests for copies of the petition must be addressed to: Ms. Lisa Walker, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738 or Lisa_Walker2@doh.state.fl.us.

PR396497

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION

The Florida **State Board of Education and Florida Board of Governors** invite you to a meeting of the Access Task Force to which all persons are invited:

DATE AND TIME Wednesday, December 7, 2005, 8:30 a.m. – 2:30 p.m.

PLACE: Department of Education, (Turlington Building) Room 1703/07, 325 West Gaines Street, Tallahassee, Florida

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 32399 or by phone at (850)245-9840.

The **Steering Committee of the Florida Public Archaeology Network** (FPAN), University of West Florida, will hold a conference call meeting:

DATE AND TIME: Monday, December 12, 2005, 8:00 a.m., CST and will last approximately two hours

PLACE: Local members of the FPAN Steering Committee will convene for the meeting at West Florida Historic Preservation, Inc., Conference Room 2 (first floor), Bowden Building, 110 East Church Street, Pensacola, FL. The public is welcome to listen to the meeting at this location. Those who do not desire to travel to Pensacola may join the conference call by dialing from any telephone. The phone number and access code needed to join the conference call may be obtained by contacting: William B. Lees, Director, FPAN: Phone (850)595-0051; Fax (850)595-0052; Email wlees@uwf.edu.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider proposals received before 5:00 p.m., CST, November 18, 2005 for hosting a Regional Charter Center of the FPAN. The Steering Committee will select up to three Charter Regional Centers of the FPAN from the proposals received, with final award contingent on successful agreement/contract negotiations between the University of West Florida and the prospective host institutions.

Information on the FPAN can be obtained at www.flpublicarchaeology.org. This includes a list of the members of the FPAN Steering Committee and a copy of the Request for Proposal for hosting Charter Regional Centers. An agenda for this meeting will be posted on this Web site at least seven days in advance and can also be obtained by contacting the FPAN Director as detailed below.

The **K-20 Education Safety Partnership** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 9, 2005, 10:00 a.m. – 4:00 p.m.

PLACE: Florida Department of Education, Turlington Building, Room 1703/07, 325 West Gaines Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the K-20 Education Safety Partnership.

The K-20 Education Safety Partnership welcomes participation from any interested members of the public.

Any person who desires a copy of the proceedings should arrange to tape the meeting. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special

accommodations to participate in this meeting is requested to advise Lorraine Allen, Office of Safe and Healthy Schools, (850)245-0416, at least five calendar days before the meeting.

Indian River Community College, Criminal Justice Training Institute announces a public meeting for the Region XI Council, to which the public is invited.

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

PLACE: Indian River Academy, Room 141, 5900 Tedder Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide update on training classes and any other issues involving the Region.

DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public hearing to which all persons are invited:

DATE AND TIME: December 13, 2005, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of amendments to rules 12D-7.003, 12D-8.0063, 12D-8.021, 12D-13.015 and 12D-16.002, F.A.C. Notices of these proposed adoptions were published in the Florida Administrative Weekly on October 7, 2005 (Vol. 31, No. 40, pp. 3504 through 3509). A Notice of Change to Rule 12D-7.003, F.A.C., was published in the Weekly of November 10, 2005, Vol. 31, No. 45.

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: December 19, 2005, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770 at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached, (800)955-8771 (TDD) or (800)955-8770 (VOICE).

* In the event of a scheduling conflict, this meeting may be rescheduled to December 20, 2005, Room 140, immediately preceding or immediately following the Commission Conference.

THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: December 20, 2005, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Commission Hearing Room 148, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting the Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing to: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770 at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached, (800)955-8771 (TDD) or (800)955-8770 (VOICE).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor’s Ex-offender Task Force** meeting will be held:

DATES AND TIME: Monday, December 12, 2005, 9:00 a.m. – 5:00 p.m.; Task Force members will also be participating in the Summit on Tuesday, December 13, 2005 and Wednesday, December 14, 2005

PLACE: Radisson Hotel, Downtown Miami, Miami, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To coincide with the Re-entry Summit.

REGIONAL PLANNING COUNCILS

The **Central Florida Regional Planning Council** will hold its public meeting and the Council’s Executive Committee meeting, to which all persons are invited:

DATE AND TIME: Wednesday, December 14, 2005, 9:30 a.m.
 PLACE: Highlands County Health Department Conference Room, 7205 South George Blvd., Sebring, Florida
 GENERAL SUBJECT MATTER TO BE ADDRESSED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing to: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

NOTICE OF CANCELLATION – The **Southwest Florida Regional Planning Council** announces that its regular meeting has been canceled:

DATE AND TIME: December 15, 2005, 9:30 a.m.
 The next regular meeting is scheduled for January 19, 2006, 9:30 a.m.

PLACE: SWFRPC Offices – 1st Floor Conference Room, 1926 Victoria Avenue, Fort Myers, Florida 33901

The **Southwest Florida Regional Planning Council** announces that its Transportation Subcommittee will be meeting:

DATE AND TIME: December 15, 2005, 9:30 a.m.
 PLACE: SWFRPC Offices, 1st Floor Conference Room, 1926 Victoria Avenue, Fort Myers, Florida 33901
 GENERAL SUBJECT MATTER TO BE ADDRESSED: SWFRPC Legislative Subcommittee Meeting

The **Southwest Florida Regional Planning Council** announces that its Legislative Subcommittee will be meeting:

DATE AND TIME: December 15, 2005, 11:00 a.m.
 PLACE: SWFRPC Offices – 1st Floor Conference Room, 1926 Victoria Avenue, Fort Myers, Florida 33901
 GENERAL SUBJECT MATTER TO BE ADDRESSED: SWFRPC Legislative Subcommittee Meeting

The **Treasure Coast Regional Planning Council** announces a meeting of its Budget Personnel Committee.

DATE AND TIME: December 6, 2005, 9:00 a.m.
 PLACE: Treasure Coast Regional Planning Council, 301 East Ocean Boulevard, Suite 300, Stuart, FL 34994
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss the Annual Review of Council’s Executive Director.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based. Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact: Liz Gulick (772)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces a meeting of its Nominating Committee.

DATE AND TIME: December 16, 2005, 9:00 a.m.
 PLACE: Wolf High – Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Treasure Coast Regional Planning Council Nominating Committee.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based. Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact: Liz Gulick (772)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

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

PLACE: Wolf High – Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road. Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the Annual meeting of the Council.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based. Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact: Liz Gulick (772)221-4060, at least 48 hours before the meeting.

REGIONAL TRANSPORTATION AUTHORITIES

The Board of Directors for the **South Florida Regional Transportation Authority** will hold a meeting

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

PLACE: Board Room, South Florida Regional Transportation, Administration Building, 800 N.W. 33rd Street, Suite 100, Pompano Beach, Florida 33064

If you have any questions regarding this meeting, please do not hesitate to contact the Executive Office, (954)788-7915.

Attendance by South Florida Regional Authority Board Members may be in person or via conference telephone.

In accordance with the Americans with Disabilities Act and Section 286.26, F.S., persons with disabilities needing special accommodation to participate in this proceeding, must at least 48 hours prior to the meeting, provide a written request directed to: Executive Office, 800 N. W. 33rd Street, Suite 100,

Pompano Beach, FL 33064, or telephone (954)942-7245 for assistance; if hearing impaired, telephone (800)273-7545 (TTY) for assistance.

Any person who decides to appeal any decision made by the Board of Directors for the South Florida Regional Transportation Authority with respect to any matter considered at this meeting or hearing, will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you have any questions, please do not hesitate to contact the Executive Office, (954)788-7915.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

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

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE ADDRESSED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

Public hearing in accordance with Section 373.59, F.S., concerning the proposed purchase of the Frank and Olive Schulte/R-O Ranch Tract, 1,493 acres located in Lafayette County, Florida, using funds from the Florida Forever Trust Fund.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides 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 to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact: Lisa Cheshire, (386)362-1001 or (800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 14, 2005, 6:30 p.m.

PLACE: Citrus County Auditorium, 3610 South Florida Avenue (US Highway 41), Inverness, Florida

GENERAL SUBJECT MATTER TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Fort Cooper Lake and Tsala Apopka Lake in Citrus County.

A copy of the agenda may be obtained by writing: Doug Leeper, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899

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

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Regular Board Meeting to which all persons are invited:

DATE AND TIME: Monday, December 19, 2005, 9:00 a.m.
 PLACE: Tampa Bay Water, 2575 Enterprise Road, Clearwater, Florida 33763

GENERAL SUBJECT MATTER TO BE ADDRESSED:
 Regular Meeting of the Board of Directors

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355 at least 3 business days prior to the meeting.

NOTICE OF CANCELLATION – The **Withlacoochee Regional Water Supply Authority** announces that the Authority has cancelled its regular December meeting that was scheduled for December 21, 2005.

The **Withlacoochee Regional Water Supply Authority** 2006 Meeting Schedule:

DATE AND TIME: January 18, 2006, 4:30 p.m.
 PLACE: Hernando County Government Center, County Commission Chambers, 20 N. Main Street, Brooksville, FL 34601

DATE AND TIME: February 15, 2006, 4:30 p.m.
 PLACE: Citrus County Courthouse, Commission Chamber, First Floor, 110 N. Apopka Ave., Inverness, FL 34450

DATE AND TIME: March 15, 2006, 4:30 p.m.
 PLACE: City Commission Chambers, City Hall, 151 S.E. Osceola Ave., 2nd Floor, Ocala, Florida 34471

DATE AND TIME: April 19, 2006, 4:30 p.m.
 PLACE: Sumter County Courthouse, Commission Meeting Room 222, 209 N. Florida Street, Bushnell, FL 33513

DATE AND TIME: May 17, 2006, 4:30 p.m.
 PLACE: Hernando County Government Center, County Commission Chambers, 20 N. Main Street, Brooksville, FL 34601

DATE AND TIME: June 21, 2006, 4:30 p.m.

PLACE: Citrus County Courthouse, Commission Chamber, First Floor, 110 N. Apopka Ave., Inverness, FL 34450

DATE AND TIME: July 19, 2006, 4:30 p.m.

PLACE: City Commission Chambers, City Hall, 151 S.E. Osceola Ave., 2nd Floor, Ocala, Florida 34471

DATE AND TIME: August 16, 2006, 4:30 p.m.

PLACE: Sumter County Courthouse, Commission Meeting Room 222, 209 N. Florida Street, Bushnell, FL 33513

DATE AND TIME: September 20, 2006, 4:30 p.m.

PLACE: Hernando County Government Center, County Commission Chambers, 20 N. Main Street, Brooksville, FL 34601

DATE AND TIME: October 18, 2006, 4:30 p.m.

PLACE: Citrus County Courthouse, Commission Chamber, First Floor, 110 N. Apopka Ave., Inverness, FL 34450

DATE AND TIME: November 15, 2006, 4:30 p.m.

PLACE: City Commission Chambers, City Hall, 151 S.E. Osceola Ave., 2nd Floor, Ocala, Florida 34471

DATE AND TIME: December 20, 2006, 4:30 p.m.

PLACE: Sumter County Courthouse, Commission Meeting Room 222, 209 N. Florida Street, Bushnell, FL 33513

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Wednesday, December 14, 2005, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive Building #3, First Floor Conference Rooms, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE ADDRESSED: To study and make recommendations on the collection, analysis and dissemination of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Cruz Conrad, (850)414-0269 at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing to: Penny Bos, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at <http://www.fdhc.state.fl.us/SCHS/chismetings.shtml> seven (7) days prior to the meeting.

NOTICE OF CANCELLATION – The **Agency for Health Care Administration** has cancelled the Comprehensive Health Information System Advisory Council Meeting on December 14, 2005.

If you have any questions, please call (850)414-0269 or write to: Penny Bos, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

NOTICE OF CANCELLATION – The **Agency for Health Care Administration** has cancelled the December 13, 2005 Comprehensive Health Information System Advisory Council Health Care Facility Website/Ambulatory Surgery Data Technical Workgroup Meeting.

For more information call (850)922-0594 or write to: Adrienne Henderson, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council Health Care Facility Website/Ambulatory Surgery Data Technical Workgroup, to which all interested parties are invited.

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

PLACE: Agency for Health Care Administration, 2727 Mahan Drive Building #3, First Floor Conference Rooms, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE ADDRESSED: To conduct a meeting of the Health Care Facility Website/Ambulatory Surgery Data Technical Workgroup to discuss reporting health care data on the AHCA web site.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Adrienne Henderson, (850)922-0594 at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing to: Adrienne Henderson, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at http://ahca.myflorida.com/SCHS/chistwg_hcfw.shtml seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces a public meeting of the Council for the Regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: December 20, 2005, 1:30 p.m. – 3:30 p.m.

PLACE: The meeting will be held via conference call at (850)410-0966, Phone Number: (850)410-0966

GENERAL SUBJECT MATTER TO BE ADDRESSED: Discussion of current developments in the disproportionate share hospital (DSH) and upper payment limit (UPL) programs.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Contact Edwin Stephens, (850)413-8067 or Suncom 294-8067, with any questions or to obtain an agenda when it is set.

DEPARTMENT OF MANAGEMENT SERVICES

The **Governor's Accessible Electronic and Information Technology (AeIT)** Task Force announces a meeting of its members, and a public comment period, to which all interested persons are invited.

TASK FORCE MEETING

DATES AND TIMES: December 13, 2005, 9:00 a.m. – 5:00 p.m.; December 14, 2005, 11:30 a.m. – 3:30 p.m.

PUBLIC COMMENT PERIOD

DATE AND TIME: December 14, 2005, 9:00 a.m. – 11:30 a.m.

PLACE: Sheraton Yankee Clipper Beach Hotel, 1140 Seabreeze Boulevard, Ft. Lauderdale, FL 33316; (954)467-1110

GENERAL SUBJECT MATTER TO BE ADDRESSED: To make recommendations on increasing accessibility to the state's electronic and information technology systems for persons with disabilities. American Sign Language Interpreters, Certified Real Time Captioning, Audio/Visual Accommodations, and alternative formats will be available on site. If you require a different type of accommodation as mandated by the Americans with Disabilities Act, please contact Stacia Woolverton, (850)922-4103 (VOICE/TTY) by December 6, 2005.

The State of **Florida Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: December 12-13, 2005, 8:30 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 182, Tallahassee, 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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Department of Business and Professional Regulation**, Bureau of Elevator Safety announces the next meeting of the Elevator Safety Technical Advisory Council to which all persons are invited.

DATE AND TIME: December 13, 2005, 9:00 a.m. – 12:00 noon

PLACE: Public meeting facilities of the City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139

Questions and Comments may be directed to: John Calpini, Chief, Bureau of Elevator Safety, (850)488-9098.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: December 6, 2005, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE ADDRESSED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, or by phone at (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies**, announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 18, 2006, 10:00 a.m. or soon thereafter

PLACE: Via telephone conference. To connect, dial (850)410-0960, Suncom 210-0960

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, or by calling their office at (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the board office, (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling (800)955-8771(TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based. For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies**, announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 15, 2006, 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, Telephone: (850)487-1395

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, or by calling their office, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the board office at (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling (800)955-8771(TDD). If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based. For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Florida Building Code Administrators and Inspectors Board** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: December 7, 2005, 9:00 a.m.
GENERAL SUBJECT MATTER TO BE CONSIDERED:
Application Review Committee Meeting.

DATES AND TIME: December 8-9, 2005, 9:00 a.m.
PLACE: Department of Business and Professional Regulation,
1940 N Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Application Review Committee, Rules and Legislation,
Examination and Continuing Education, Executive Committee
Meetings and General Board and Business Meeting.

Any person deciding to appeal a decision made with respect to
any matter considered at this meeting will need to ensure that a
verbatim record of the proceeding is made. Such record must
include testimony and evidence upon which the appeal is to be
based.

Any person requiring special accommodations at this meeting
because of a disability or physical impairment should contact
Department of Business and Professional Regulation, Building
Code Administrators and Inspectors Board, (850)922-6096, at
least forty-eight (48) hours prior to the meeting. If you are
hearing or speech impaired, please contact the board office
using the Florida Dual Party Relay System which can be
reached, (800)955-8770 (voice) and (800)955-8771 (TDD).

The **Florida Mobile Home Relocation Corporation**
announces a meeting of its Board of Directors. The board will
consider mobile home applications for abandonment and
relocation compensation due to evictions as a result of a
change in land use.

DATE AND TIME: Tuesday, December 6, 2005, 9:30 a.m.
PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL
33760

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Official business of the Florida Mobile Home Relocation
Corporation. Review of mobile home owner applications for
compensation for relocation and/or abandonment due to
change in land use, and such other business as may come
before the board. A schedule for the next meeting will be
determined.

Pursuant to the provisions of the Americans with Disabilities
Act, any person requiring special accommodations to
participate in this meeting is asked to advise the agency at least
48 hours before the meeting by contacting Mandy Lemons,
(888)862-7010. Additional information may be obtained by
contacting: Mandy Lemons, Executive Director, FMHRC,
P. O. Box 14125 Tallahassee, FL 32317-4125, (888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

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: December 16, 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 ADDRESSED: 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;
(800)955-8771(TDD) or (800)955-8770(VOICE) via Florida
Relay Service.

The Florida **Department of Health** announces a meeting of
the Children's Medical Services Network Advisory Council to
which all persons are invited:

DATE AND TIME: Tuesday, December 13, 2005, 1:00 p.m. –
5:00 p.m.

PLACE: Department of Health, Building 4042, Room 301,
4042 Bald Cypress Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The
Florida Children's Medical Services Network Advisory
Council, an advisory body appointed by the Secretary of the
Florida Department of Health, will meet on Tuesday,

December 13, 2005, 1:00 p.m. – 5:00 p.m. in Tallahassee to review updates of Medicaid, CMSN performance measures, and otherwise fulfill the Council's statutory requirements. The Council is charged with making recommendations and considering the selection and credentialing of health care providers, Children's Medical Services Network policies, methods of payment and cost controls, the scope of benefits, and performance measures.

A copy of the agenda may be obtained from: Joyce Raichelson, Department of Health, (850)245-4200, ext. 4677, Joyce_Raichelson@doh.state.fl.us

The **Correctional Medical Authority** announces a conference call meeting to be held by telephone to which all persons are invited:

DATE AND TIME: December 15, 2005, 10:00 a.m. – 11:30 a.m.

PLACE: Telephone Number: (Toll-Free) (877)651-3473, (Local) (850)413-9245, (Suncom) 293-9245

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.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

ALLIANCE MEETING

DATE AND TIME: December 9, 2005, 8:30 a.m. – 10:30 a.m.

PLACE: St. Lucie County Public School, School Board Office, 4204 Okeechobee Road, Fort Pierce, Florida 34947-5414

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4177

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact: Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System (800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Community Alliance** for Baker, Clay, Duval and St. John's counties announces their monthly meeting:

DATE AND TIME: Wednesday, December 21, 2005 and on the third Wednesday of each month, 2:30 p.m.

PLACE: Roberts Building, 5920 Arlington Expressway, Jacksonville, FL

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces the following Review Committee meetings to which all persons are invited to attend:

DATES AND TIME: Tuesday, December 13, 2005, 10:30 a.m., Eastern Daylight Time; Friday, December 16, 2005, 10:30 a.m., Eastern Daylight Time

PLACE: Both meetings will be held in the Formal Conference Room, Suite 5000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida, 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of responses submitted for Florida Housing Finance Corporation's Request for Qualifications #2005-05 for Printing, Copying and Reproduction Services. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, at Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached, (800)955-8770 (Voice) and (800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a facilitated stakeholder meeting to discuss and examine gopher tortoise issues.

DATE AND TIME: December 9, 2005, 10:00 a.m. – 1:00 p.m.

PLACE: Citrus County Government Building, Room 166, 3600 W. Sovereign Path, Lecanto, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to develop a structure that will enhance communication on gopher issues among stakeholders between stakeholders and the commission staff. The meeting is open to all interested persons. In order to ensure adequate facilities, participants are requested to advise the meeting coordinator, Dr. J. P. Ross (contact below) of their intention to

attend. This meeting will be structured and facilitated. Questions about the meeting should be directed to: Dr. James Perran Ross, Department of Wildlife Ecology and Conservation, IFAS University of Florida, Gainesville, FL 32611, rossp@wec.ufl.edu (352)392-7137.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend this meeting is asked to advise Dr. Ross at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the agency by calling (850)488-6411 (TDD) or 488-9542.

FLORIDA AEROSPACE FINANCE CORPORATION

The **Florida Aerospace Finance Corporation (FAFC)** announces a Board of Director's meeting and teleconference to which the public is invited.

DATE AND TIME: December 15, 2005; 1:30 p.m. – 3:30 p.m.

PLACE: Office of Enterprise Florida, Inc., 390 North Orange Avenue, Suite 1300, Orlando, FL 32801. To attend via telephone the number to call is: (866)249-5325, participant code 393255

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors will meet to review general board business, ratifications of agreements, financings, budgets, procedures and to consider other proposed matters related to the business of the Corporation.

For more information, contact Ms. Judy Blanchard, (321)690-3397.

To obtain a copy of the agenda write: The Florida Aerospace Finance Corporation, 403 Brevard Avenue, Suite 1, Cocoa, Florida 32922.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Aerospace Finance Corporation.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

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, December 6, 2005, 2:00 p.m.

PLACE: St. Lucie County School Board, 4204 Okeechobee Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Director job description and recruitment, mission statement, Liability Insurance, legal counsel, utilities requirements, Intermodal Transportation Report, security requirements, architectural design and RFP process, new tenant application review, logo, web design, 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, (772)370-7425, or Jane Bachelor, Secretary, (772)468-3922, ext. 151.

Anyone with a disability requiring accommodation to attend this meeting should contact Tammy Feller, Superintendent's Office, (772)429-3925, at least forty-eight (48) hours prior to the meeting.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued an Order Denying Daytona Beach Kennel Club's Petition for Declaratory Statement, in DBPR Case No. DS 2005-008. The basis for the denial is that: Petitioner failed to submit a petition for declaratory statement which would enable the Division to render a declaratory statement without issuing a statement of general applicability due to the fact that Petitioner's petition sought an opinion not on facts and circumstances as applicable to Petitioner, but on facts and circumstances applicable to the entire Florida pari-mutuel wagering industry.

A copy of the Denial of Petition for Declaratory Statement may be obtained by writing to: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued a Declaratory Statement in

response to a petition for a declaratory statement from Christine Garrity, Petitioner, in DBPR Case No. DS 2005-032. The Petition lists Section 550.26165(4)(d), F.S. (corrected citation Section 550.2625(4)(d), F.S.), Florida Statutes, as the statutory provision upon which a declaratory statement is being sought. The Declaratory Statement advises that: artificial insemination of Standardbred horses, regardless of their location inside or outside the State of Florida, constitutes "breeding" in the State of Florida when using donated semen collected from a qualified Standardbred stallion located in the State of Florida, and such method is consistent with both the expressed intent of the applicable statutes and widely accepted current industry practices.

A copy of the Declaratory Statement may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL ENGINEERS

Florida State University, State of Florida, announces that Professional Services in the discipline of engineering will be required for the project listed below:

Project No. FS-257

Project and Location: Life Sciences Teaching and Research Center, and Cage Wash Facility, Florida State University, Tallahassee, Florida

The project consists of implementing a building commissioning plan. The selected firm will prepare and execute a commissioning plan, implement best practice building commissioning procedures, perform design reviews, review contractor submittals, provide on site observations, pre-functional and functional testing (including seasonal testing), conduct training and provide Operations & Maintenance manuals and post occupancy review. The commissioning agent will be responsible for the commissioning process and must be independent from both design and construction teams. The commissioning agent will ensure that the building, its systems and its equipment are delivered to FSU fully functional and in accordance with the design intent. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000, and will be provided as a part of Basic Services. At the University's option, the selected firm may be utilized on an as-needed basis for other University projects initiated on or before June 30, 2008.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Florida State University "Professional Qualifications Supplement," dated August, 2003. Applications on any other form, or on versions dated prior to 8/03, will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to

practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for Florida State University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained through our website, www.fpc.fsu.edu, or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile

For further information on the project, contact: Eugenio Nicoloso, Project Manager, at the address and phone listed above.

Submittals must be received in the above office, by 2:00 p.m., local time, on Friday, January 6, 2006. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

NOTICE TO CONSTRUCTION MANAGERS

Florida State University announces that construction management services will be required for the project listed below:

Project No.: FS-277

Project and Location: Intramural Sports Outdoor Complex

Florida State University, Tallahassee, Florida

The project consists of construction of a new Intramural Sports Outdoor Complex at FSU's Southwest Campus located off W. Lake Bradford Road in Tallahassee. The complex will provide fields for multiple sports, including softball, wiffle ball, kickball, flag football and soccer, as well as support buildings and other site amenities. The project will be multi-phased for both design and construction. Design of Phase I is planned to be complete by June, 2006 with the fields operational and ready for use by August, 2007.

The estimated construction cost for Phase I is \$8,362,601.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase

one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Minority Business Enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; and qualifications of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard Florida State University's construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Instructions:

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Florida State University "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Florida State University Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained through the website at www.fpc.fsu.edu or by contacting:

Lynetta Mills, Facilities Design & Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, telephone: (850)644-2843, facsimile: (850)644-8351

For further information on the project, contact: Gene Nicoloso, Project Manager, at the address and phone listed above.

Six bound copies of the required proposal data shall be submitted. Submittals must be received at the address listed above by 2:00 p.m., local time, on Wednesday, January 11, 2006. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

CITY OF FORT LAUDERDALE

NOTICE TO CONTRACTORS

Sealed bids will be received until 2:00 p.m. on Wednesday, December 21, 2005 in the Office of the City Engineer, Public Works Department (Engineering and Architectural Services), City Hall, 100 North Andrews Avenue, 4th Floor, City of Fort Lauderdale, Florida and opened immediately thereafter in the Conference Room, for PROJECT 10888 REBID – PUMP STATIONS – SEPTIC AREA 3 (EAST AND WEST), SEPTIC AREA 4 (BASIN F), AND SEPTIC AREA 5.

This project consists of Drawing File No. WS-04-22 consisting of 45 sheets.

The work includes: installation of four (4) sanitary sewer pump stations and connections to existing sanitary sewer and force main systems.

The sequencing for the construction of the pump stations is detailed in the Summary of Work. Total Project duration is 225 Calendar Days from Notice to Proceed.

Bidding blanks may be obtained at the Office of the City Engineer. Plans and specifications are on file in the Office of the City Engineer.

A pre-bid meeting will be held: 3:00 p.m., Wednesday, December 7, 2005, Program Management Team Office, 200 North Andrews Avenue, Suite 300 (third floor), Fort Lauderdale, Florida. The pre-bid meeting is recommended, but not mandatory.

It will be the sole responsibility of the bidder to clearly mark bid as such, and ensure that his bid reaches the City prior to the bid opening date and time listed.

A certified check, cashier's check, bank officer's check or bid bond for five percent (5%), made payable to the City of Fort Lauderdale, Florida, shall accompany each proposal.

This project is funded in whole or in part by the Florida Department of Environmental Protection, State Revolving Fund. Bidders are encouraged to become familiar with the provisions of the Supplement Conditions contained in these documents and in particular the requirements of Article 20, Equal Employment Opportunity.

The City of Fort Lauderdale reserves the right to waive any informality in any bid and to reject any or all bids.

Information on bid results and projects currently out to bid can be obtained by calling the pre-recorded City of Fort Lauderdale Bid Information Line, (954)828-5688. For general inquiries – please call (954)828-5772.

LEVY COUNTY COMMISSION

REQUEST FOR PROPOSALS

LEVY COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS

Levy County
 P. O. Box 310
 355 South Court Street
 Bronson, Florida 32621

REQUEST FOR PROPOSALS

LEVY COUNTY, FLORIDA

Notice is hereby given that Levy County, Florida will be receiving sealed responses to Request for Proposals at the Office of the Board of County Commissioners, Levy County Courthouse, P. O. Box 310, 355 South Court Street, Bronson, Florida 32621, (352)486-5217, for:

REQUEST FOR PROPOSALS

DESIGN SERVICES FOR MULTI-PURPOSE

COURTHOUSE SPACE

The intent of the County is to enter into an agreement with an experienced and qualified professional firm to provide architectural/engineering services for a space study, and design and construction oversight services for an addition of a multipurpose meeting/hearing room or building to the Levy County Courthouse and any related renovations.

REQUEST FOR PROPOSALS DUE DATE: 5:00 p.m., EST,
December 19, 2005

Office of the Board of County Commissioners
of Levy County Florida
P. O. Box 310
355 South Court Street
Bronson, Florida 32621

Documents can be obtained by contacting the County
Coordinator of Levy County, Florida, (352)486-5217, or the
Office of the County Attorney of Levy County, Florida,
(352)486-3389. If you have any questions, please call Fred
Moody, County Coordinator, (352)486-5218.

Section XII Miscellaneous

DEPARTMENT OF STATE

GUIDELINES AND APPLICATIONS AVAILABLE FOR LIBRARY SERVICES AND TECHNOLOGY ACT, PUBLIC LIBRARY CONSTRUCTION AND LIBRARY COOPERATIVE GRANTS

Grant applications and guidelines are available for the
following programs administered by the Florida Department of
State, State Library and Archives of Florida:

Library Services and Technology Act (LSTA) Grants –
Applications due March 15, 2006. Federal grants for all types
of libraries that emphasize youth, literacy, older adults, and
information access through technology.

Public Library Construction Grants – Applications due
April 1, 2006. State grants to eligible governments for
remodeling, expansion, or new construction of public library
buildings.

Library Cooperative Grants – Applications due April 15,
2006. State grants for the six multitype library cooperatives to
encourage cooperation among libraries of all types for the
development of library service to Floridians.

Guidelines and forms are available on the State Library
and Archive of Florida's Web site at
<http://dlis.dos.state.fl.us/bld/grants/index.htm>.

Grant
guidelines and forms may also be requested by mail from the
Grants Office, State Library and Archives of Florida, R.A.
Gray Building, 2nd Floor North, 500 South Bronough Street,
Tallahassee, FL 32399-0250; by phone at (850)245-6620 or
SUNCOM 205-6620; or by fax at (850)245-6643.

Completed applications must be mailed to the address
indicated above, and be on file with the State Library and
Archives of Florida or postmarked on or before the application
due date.

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 CMSI, Inc., intends to allow the establishment of All
About Scooters, LLC, as a dealership for the sale of TN'G and
Flying Tiger motorcycles, 2312 Apalachee Parkway, #10,
Tallahassee, (Leon County), Florida 32301, on or after
November 2, 2005.

The name and address of the dealer operator(s) and
principal investor(s) of All About Scooters, LLC, are dealer
operator(s): LeRoy (Roy) Smith, 2312 Apalachee Parkway,
#10, Tallahassee, Florida 32301; principal investor(s): LeRoy
E. Smith and Susan D. Smith, 756 Rhoden Cove Road,
Tallahassee, Florida 32312.

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: Rob Gates, Sales Manager, CMSI, Inc., 8146
304th Avenue, Southeast, Preston, Washington 98050.

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, CMSI, Inc.,
intends to allow the establishment of Aztec Scooter Company,
as a dealership for the sale of TN'G and Flying Tiger
motorcycles, 132 West Park Avenue, Suite 7, Edgewater,
(Volusia County), Florida 32132, on or after November 2,
2005.

The name and address of the dealer operator(s) and principal investor(s) of Aztec Scooter Company are dealer operator(s): Manuel Cacdac, 132 West Park Avenue, Suite 7, Edgewater, Florida 32132; principal investor(s): Manuel Cacdac, 2312 Hill Street, New Smyrna Beach, Florida 32169.

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: Rob Gates, Sales Manager, CMSI, Inc., P. O. Box 969, Preston, Washington 98050.

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 Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that CMSI, Inc., intends to allow the establishment of Moto Mania Powersports, LLC, as a dealership for the sale of TN'G and Flying Tiger motorcycles, at 3264 Southeast Dixie Highway, Stuart, (Martin County), Florida 34997, on or after November 7, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Moto Mania Powersports, LLC, are dealer operator: Bill Talero, 3264 Southeast Dixie Highway, Stuart, Florida 34997; principal investor(s): Jorge A. Calvo, 2236 Southwest 156 Court, Miami, Florida 33185, and Camilo Zambrano, 11291 Southwest 26th Street, Miami, Florida 33165.

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 Gates, Director of Sales, CMSI, Inc., P. O. Box 969, Preston, Washington 98050.

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, Pitbull Motorsports, Ltd. Company, d/b/a Pitbull Motorcycle Company, intends to allow the establishment of Bottom Line Operations, Inc., d/b/a Ironforce Cycles, as a dealership for the sale of Pitbull motorcycles, at 6051 North Washington Boulevard, Sarasota, (Sarasota County), Florida 34243, on or after December 1, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Bottom Line Operations, Inc., d/b/a Ironforce Cycles are dealer operator(s): Jason Heroux, VP & Managing Partner, 6051 North Washington Boulevard, Sarasota, Florida 34243; principal investor(s): Bruce Shankin, President, 6051 North Washington Boulevard, Sarasota, Florida 34243.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael T. Davis, President, Pitbull Motorsports, Ltd. Company, 4340 North Orange Blossom Trail, Orlando, Florida 32804.

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 Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that MOD Cycles Corporation, intends to allow the establishment of Scooter King, as a dealership for the sale of Yumbo & Baccio motorcycles, at 602 South State Street, Bunnell (Flagler County), Florida 32110, on or after November 14, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Scooter King are dealer operator(s): Cliff Warning, 602 South State Street, Bunnell, Florida 32110; principal investor(s): Cliff Warning, 602 South State Street, Bunnell, Florida 32110.

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: Luz Gimenez, MOD Cycles Corporation, 7547 Northwest 52nd Street, Miami, Florida 33166.

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, CMSI, Inc., intends to allow the establishment of Sarasota Scooter Company, as a dealership for the sale of TN'G and Flying Tiger motorcycles, 1529 State Street, Sarasota, (Sarasota County), Florida 33904, on or after November 9, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Sarasota Scooter Company are dealer operator(s): Jeffrey A. Free, 1529 State Street, Sarasota, Florida 33904; principal investor(s): Jeffrey A. Free, 5924 Tarpon Gardens Circle, #202, Cape Coral, Florida 33904.

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: Rob Gates, Director of Sales, CMSI, Inc., P. O. Box 969, Preston, Washington 98050.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

The PSC seeks amendments to existing exceptions to the Uniform Rules of Procedure and a new exception to the Uniform Rules of Procedure, as described below.

UNIFORM RULE FOR WHICH AMENDMENT OF EXCEPTION IS SOUGHT: Chapter 28-102, F.A.C., Agenda and Scheduling of Meetings and Workshops.

REASON FOR AMENDMENT OF EXCEPTION: The proposed amendments to Rule 25-22.0021, F.A.C., are needed for the most efficient operation of the agency. The proposed amendments explain the difference between informal public participation at agenda conferences and participation that requires the filing of a request for oral argument. The proposed amendments also explain when participation is at the PSC's discretion and when it is prohibited.

UNIFORM RULE FOR WHICH AMENDMENT OF EXCEPTION IS SOUGHT: Chapter 28-102, F.A.C., Agenda and Scheduling of Meetings and Workshops, and Chapter 28-106, F.A.C., Decisions Determining Substantial Interests.

REASON FOR EXCEPTION: This exception is for a proposed new Rule 25-22.0022, F.A.C., and is needed for the most efficient operation of the agency. It incorporates provisions on oral argument that are scattered throughout existing Rules 25-22.0367, Reconsideration of Non-Final Orders, 25-22.058, Oral Argument, and 25-22.060, F.A.C., Motion for Reconsideration. It states when oral argument is allowed and when it is not allowed. It includes procedures for requesting oral argument at Agenda Conferences and before a prehearing officer. It explains who can participate in oral arguments. It explains when the PSC can request oral argument.

UNIFORM RULE FOR WHICH AMENDMENT OF EXCEPTION IS SOUGHT: Chapter 28-106, F.A.C., Decisions Determining Substantial Interests.

REASON FOR AMENDMENT TO EXCEPTION: This proposed amendments are to Rule 25-22.029, F.A.C., and are necessary to implement Section 120.80(13)(b), F.S., and for the most efficient operation of the agency. The proposed amendment to subsection 25-22.029(2), F.A.C., eliminates the provision that publication of notice of proposed agency action in a newspaper may be used in establishing the date of receiving the notice. The proposed amendment to subsection 25-22.029(3), F.A.C., would allow the filing of a cross-petition within 10 days of service of a protest of proposed agency action. The proposed addition of subsection (4) to the rule provides that the Commission will not entertain a motion for reconsideration of proposed agency action.

UNIFORM RULE FOR WHICH AMENDMENT OF EXCEPTION IS SOUGHT: Chapter 28-106, F.A.C., Decisions Determining Substantial Interests.

REASON FOR AMENDMENT TO EXCEPTION: The proposed amendments are to subsection 25-22.0376(5), F.A.C., and are needed for the most efficient operation of the agency. The first sentence of that provision, pertaining to oral argument on motions for reconsideration of non-final orders, is proposed to be incorporated into Rule 25-22.0022, F.A.C. The second

sentence of subsection 25-22.0367(5), F.A.C., pertaining to failure of an opposing party to respond to a point raised in a motion for reconsideration of non-final orders, is proposed to be deleted. A new subsection 5 is proposed to be added, and it provides that the PSC will not entertain a motion for reconsideration of proposed agency action.

UNIFORM RULE FOR WHICH AMENDMENT OF EXCEPTION IS SOUGHT: Chapter 28-106, F.A.C., Decisions Determining Substantial Interests.

REASON FOR AMENDMENT TO EXCEPTION: This proposed amendment is to delete Rule 25-22.058, F.A.C., and is needed for the most efficient operation of the agency.

UNIFORM RULE FOR WHICH AMENDMENT OF EXCEPTION IS SOUGHT: Chapter 28-106, F.A.C., Decisions Determining Substantial Interests.

REASON FOR AMENDMENT TO EXCEPTION: This proposed amendments are to Rule 25-22.060, F.A.C., and are needed for the most efficient operation of the agency. The title of this rule is proposed to be changed to "Motion for Reconsideration of Final Orders."

In paragraph 25-22.060(1)(a), F.A.C., the language prohibiting reconsideration of proposed agency action is proposed to be moved to Rule 25-22.029, F.A.C. The first sentence of paragraph 25-22.060(1)(f), F.A.C., stating that granting or denying a request for oral argument is at the sole discretion of the Commission, is proposed to be moved to subsection 25-22.0022(3), F.A.C. The last sentence of paragraph 25-22.060(1)(f), F.A.C., stating that a party who fails to file a written response to a point on reconsideration is precluded from responding to that point during oral argument, is proposed to be deleted.

THE DATE THAT THE ADMINISTRATION COMMISSION IS EXPECTED TO HEAR THE PSC'S PETITION FOR EXCEPTIONS TO UNIFORM RULES HAS NOT BEEN DETERMINED AND WILL BE NOTICED AFTER IT HAS BEEN DETERMINED.

WATER MANAGEMENT DISTRICTS

SUWANNEE RIVER WATER MANAGEMENT DISTRICT
 Notice of Approval of Priority Water Bodies
 And Schedule for Establishment of
 Minimum Flows and Levels

The Suwannee River Water Management District, pursuant to Section 373.042(2), F.S., hereby publishes its approved priority list and schedule for minimum flows and levels.

SRWMD MFL Priority Listing for 2006			
Magnitude	Basin	River Reaches	Schedule
n/a	Suwannee	Lower Suwannee River	2005
n/a	Waccasassa	Waccasassa River	2006
n/a	Suwannee	Middle Suwannee River	2006
n/a	Suwannee	Alapaha River	2006
n/a	Suwannee	Withlacoochee River	2006
n/a	Santa Fe	Upper Santa Fe River	2006
n/a	Santa Fe	Lower Santa Fe River	2007
n/a	Suwannee	Upper Suwannee River	2008
n/a	Aucilla	Aucilla River	2010
n/a	Aucilla	Wacissa	2010
n/a	Coastal	Steinhatchee River	2010
n/a	Coastal	Econfina River	2010
n/a	Coastal	Fenholloway	2010
		Spring System	
1	Withlacoochee	Madison Blue	Established/2010 evaluation
1	Suwannee	Fanning	2006
1	Suwannee	Manatee	2006
1	Alapaha	Alapaha Rise	2008
1	Santa Fe	Ichetucknee group	2008
1	Santa Fe	Blue Hole	2008
1	Santa Fe	ALA112971 (Treehouse)	2008
1	Santa Fe	Columbia	2008
1	Santa Fe	Hornsby	2008
1	Santa Fe	COL61981(Santa Fe)	2008
2	Santa Fe	COL101974 – Unnamed	2008
1	Santa Fe	Devil's Ear (Ginnie group)	2008
1	Santa Fe	July	2008
1	Santa Fe	Santa Fe Rise	2008
1	Santa Fe	GIL1012973 (Siphon Creek Rise)	2008
2	Santa Fe	Poe	2008
2	Santa Fe	Rum Island	2008
1	Suwannee	Troy	2008
1	Suwannee	Lafayette Blue	2008
2	Suwannee	Ruth/Little Sulfur	2008
2	Suwannee	Bonnet	2008
2	Suwannee	Peacock	2008
2	Suwannee	SUW1017972 – Unnamed	2008
2	Suwannee	Suwannee	2008
Magnitude	Basin	Springs System	Schedule

2	Suwannee	SUW923973 (Stevenson) White	2008
2	Suwannee	Allen Mill Pond	2008
2	Suwannee	Anderson	2008
2	Suwannee	Pothole	2008
2	Suwannee	Rock Sink	2008
2	Suwannee	Lime	2008
1	Suwannee	Falmouth	2008
1	Suwannee	Holton Creek Rise	2008
1	Suwannee	Lime Run Sink	2008
2	Suwannee	Branford	2008
2	Suwannee	Charles	2008
3	Suwannee	Royal	2008
2	Suwannee	Guaranto	2008
3	Suwannee	Bell	2008
2	Suwannee	Hart	2008
2	Suwannee	Little River	2008
2	Withlacoochee	Pot	2008
2	Withlacoochee	Suwanacoochee	2008
1	Aucilla	Wacissa group	2010
1	Aucilla	Nutall Rise	2010
2	Coastal	Big	2010
2	Coastal	IAY76992 – Unnamed	2010
1	Steinhatchee	Steinhatchee Rise	2010
3	Waccasassa	Bronson Blue	2010
		Lakes	
n/a	Santa Fe	Ocean Pond	2010
n/a	Santa Fe	Alligator	2010
n/a	Suwannee	Low	2010
n/a	Withlacoochee	Cherry	2010
n/a	Aucilla	Snead's Smokehouse	2011
n/a	Coastal	Andrews	2011
n/a	Coastal	Governor Hill	2011
n/a	Santa Fe	Palestine	2011
n/a	Santa Fe	Butler	2011
n/a	Santa Fe	Hampton	2011
n/a	Santa Fe	Sampson	2011
n/a	Santa Fe	Crosby	2011
n/a	Santa Fe	Santa Fe	2011
n/a	Santa Fe	Altho	2011

Inquiries should be directed to Suwannee River Water Management District, 9225 CR 49, Live Oak, Florida 32060; telephone (386)362-1001.

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 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, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with: Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street,

Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., December 23, 2005):

APPLICATION WITHDRAWN

Application for an International Agency Office:

Applicant: R-G Premier Bank of Puerto Rico, Hato Rey, Puerto Rico

Withdrawn: November 9, 2005

Office of Financial Regulation has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at http://www.fldfs.com/ofr/banking/cu_expansion.htm.

Name and Address of Applicant: Eckerd Credit Union, Post Office Box 4818, Seminole, Florida 33775-4818

Expansion Includes: Geographic area

Received: November 4, 2005

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN November 14, 2005
 and November 18, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CORRECTIONS

33-102.101	11/15/05	12/5/05	31/40	
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-330.200	11/15/05	12/5/05	31/43	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF HEALTH
Board of Osteopathic Medicine

64B15-9.0055	11/17/05	12/7/05	31/40	
64B15-19.002	11/17/05	12/7/05	31/40	

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

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69L-6.014	11/14/05	12/4/05	31/34	
69L-6.016	11/14/05	12/4/05	31/34	
69L-7.603	11/14/05	12/4/05	31/34	

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5F-11.044	31/34	31/40 31/47		6A-10.060	31/5c		
5F-11.045	31/34	31/47		6C-7.0055	30/26		
5F-11.046	31/34	31/40 31/47		6C2-5.0021	Newspaper		31/46
5F-11.050	31/34	31/40 31/47		6C2-6.002	Newspaper		31/46
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5I-2.003	31/25	31/36	31/43	6L-1.008	28/12		
5I-2.004	31/25	31/36	31/43	6L-1.009	28/12		
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6A-6.080	16/30			9B-1.0221	31/30		
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6A-10.039	31/36		31/46	9B-72.045	30/26		
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Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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9G-14.0045	31/34			14-1.003	31/36		31/43
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9G-19.002	31/25			14-15.0081	31/28		31/43
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9G-19.005	31/25	31/44		14-22.006	31/43		
9G-19.007	31/25			14-22.009	31/43		
9G-19.008	31/25	31/44		14-22.015	31/43		
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10M-9.045	22/1			14-98.008	31/36	31/48	
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12A-15.001	31/24		31/43	14B-2.004	31/35		
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12A-19.071	31/29	31/37	31/45	17-503.430	16/15		
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12A-19.072	31/29	31/37	31/45	17-660.300	15/50	16/8	
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12A-19.073	31/29	31/39	31/45	17-671.300	15/32		
12A-19.100	31/29	31/39	31/45	17-671.310	15/32		
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12D-8.0063	31/40			18-21.0051	30/46	31/19	31/42
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Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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19-11.002	31/47				31/38		31/41w
19-11.003	31/47				31/44		
19-11.004	31/47			PROFESSIONAL REGULATION			
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19-11.007	31/47			21M-50.003	19/6c		
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