

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES: RULE NOS.:
 Special Programs for Students Who are Mentally Handicapped 6A-6.03011
 Special Programs for Students Who are Visually Impaired 6A-6.03014
 Special Programs for Students Who are Gifted 6A-6.03019

PURPOSE AND EFFECT: The purpose of the rule developments is to review the rules to ensure that programs for students with disabilities are consistent with amendments to federal law, the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. Chapter 33, and its implementing statutes and to update rule language to reflect current knowledge in the field. The effect of the rule development will be the promulgation of rules which will be consistent with the federal requirements and current knowledge in the respective fields.

SUBJECT AREA TO BE ADDRESSED: Federal and state requirements for programs for students with disabilities who are identified as mentally handicapped, visually impaired, and for students who are gifted. Definition, procedures for referral, procedures for student evaluation, criteria for eligibility, re-evaluation, and instructional program.

SPECIFIC AUTHORITY: 1001.02(1), 1003.57(5) FS.
 LAW IMPLEMENTED: 1001.03, 1003.57(5), 1003.01(3), 1011.62(1)(c) FS., Individuals with Disabilities Education Act 20 U.S.C. Chapter 33

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:

TIMES AND DATES: 8:00 a.m. – 2:30 p.m., January 12, 2006 and May 9, 2006; 3:00 p.m. – 6:00 p.m., January 12, 2006 and May 9, 2006

PLACE: Holiday Inn Select, 316 West Tennessee Street, Tallahassee, Florida 32301

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

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: RULE CHAPTER NO.:
 Statewide Minimum Level of Service Standards 14-94

RULE TITLES: RULE NOS.:
 Purpose 14-94.001
 Definitions 14-94.002
 Statewide Minimum Level of Service Standards 14-94.003

PURPOSE AND EFFECT: Rule Chapter 14-94, F.A.C., is being amended to add references to the Strategic Intermodal System and Transportation Regional Incentive Program, add and revise the definitions, and update statutory references. Documents incorporated by reference are being updated. Rule 14-94.003, F.A.C., is substantially reworded, including a revised table.

SUBJECT AREA TO BE ADDRESSED: Rule Chapter 14-94 is being amended to include references to the Strategic Intermodal System and Transportation Regional Incentive Program, add and revise definitions, and update statutory references.

SPECIFIC AUTHORITY: 163.3180(10), 344.044(2) FS.
 LAW IMPLEMENTED: 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), 339.155(2), 339.2819, 339.61-64 FS.

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

TIME AND DATE: 1:30 p.m., January 9, 2006
 PLACE: Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-94.001 Purpose.

(1) The purpose of this rule chapter is to establish statewide minimum level of service standards to be used in the planning and operation of the State Highway System (SHS), roadway facilities on the Strategic Intermodal System (SIS), the Florida Intrastate Highway System (FIHS), and roadway facilities funded in accordance with Section 339.2819, Florida Statutes, which creates the Transportation Regional Incentive Program (TRIP). This rule chapter is intended to promote ~~protect~~ public safety and general welfare, ensure the mobility of people and goods, and preserve the facilities on the SHS, SIS, and facilities funded by the TRIP State Highway System. The minimum level of service standards for the SIS, FIHS, and facilities funded by the TRIP State Highway System will be used by the Department in the review of local government comprehensive plans, assessing impacts related to

~~developments of regional impact, and assessing other developments affecting the SIS, FIHS, and roadways funded by the TRIP. The minimum level of service standards for the SIS, FIHS, and roadways funded by the TRIP will be used by local governments for complying with applicable provisions of Section 163.3180, Florida Statutes to determine system deficiencies; assist in determining Department work program priorities; and review local government comprehensive plans and metropolitan planning organization comprehensive transportation plans, traffic circulation impacts related to developments of regional impact, and other developments affecting the State Highway System.~~

(2) This rule chapter does not supersede or negate the provisions of Chapter 9J-5, F.A.C., pertaining to the preparation and adoption of local comprehensive plans or plan amendments by local governments.

Specific Authority ~~163.3180(10), 344.044(2) FS. Law Implemented 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), (21), 339.155(2), (5), (6) 339.2819, 339.61-64 FS. History—New 4-14-92, Amended_____.~~

14-94.002 Definitions.

As used in this rule chapter, the following definitions apply:

~~(1) “Backlogged Roadways” are roads on the State Highway System operating at a level of service below the minimum level of service standards, not programmed for construction in the first three years of FDOT’s adopted work program or the first five years of the schedule of improvements contained in a local government’s capital improvements element, and not constrained.~~

~~(1)(2) “Communities” means are incorporated places outside urban or urbanized areas, or unincorporated developed areas having a 500 population of 500 or more identified by local governments in their local government comprehensive plans and located outside of urban or urbanized areas.~~

~~(3) “Constrained Roadways” are roads on the State Highway System which FDOT has determined will not be expanded by the addition of two or more through lanes because of physical, environmental or policy constraints. Physical constraints primarily occur when intensive land use development is immediately adjacent to roads, thus making expansion costs prohibitive. Environmental and policy constraints primarily occur when decisions are made not to expand a road based on environmental, historical, archaeological, aesthetic or social impact considerations.~~

~~(2)(4) “Controlled Access Facilities Highways” means are non-limited access arterial facilities where access connections, median openings, and traffic signals are highly regulated.~~

~~(3)(5) “Exclusive Through Lanes” means are roadway lanes exclusively designated for intrastate travel, which are physically separated from general use lanes, and to which access is highly regulated. These lanes may be used for high occupancy vehicles and express buses during peak hours if the level of service standards can be maintained.~~

(4) “Florida Intrastate Highway System (FIHS)” means the highway system established pursuant to Section 338.001, Florida Statutes, which comprises a statewide network of limited and controlled access facilities. The primary function of the system is for high speed and high volume traffic movements within the state.

~~(5)(6) “General Use Lanes” means are roadway lanes on the FIHS not exclusively designated for long distance high speed travel. In urbanized areas general use lanes include high occupancy vehicle lanes not physically separated from other travel lanes.~~

~~(7) “Intrastate” means the Florida Intrastate Highway System (FIHS) which comprises a statewide network of limited and controlled access highways. The primary function of the system is for high speed and high volume traffic movements within the state. Access to abutting land is subordinate to this function and such access must be prohibited or highly regulated. Highways included as part of this system are designated in the Florida Transportation Plan.~~

~~(6)(8) “Level of Service (LOS)” for highways means is a quantitative stratification of the quality of service to a typical traveler on a facility into six letter grade levels with “A” describing the highest quality and “F” describing the lowest quality qualitative measure describing operational conditions within the traffic during the peak hour. The indicated LOS standards designate “levels of service” designate lowest acceptable quality operating conditions for the 100th highest volume hour of the year in the predominant traffic flow direction from the present through a 20-year planning horizon. The 100th highest volume hour represents approximates the typical peak hour during the peak season. Definitions and measurement criteria used for minimum LOS level of service standards are based on the 1985 National Transportation Research Board Highway Capacity Manual 2000 Special Report 209. All LOS level of service evaluations are to be based on the 1985 National Transportation Research Board Highway Capacity Manual 2000, the Department’s 2002 Quality/Level of Service Handbook, Special Report 209 or a methodology determined which has been accepted by the Department to be of FDOT as having comparable reliability. The Transportation Research Board Highway Capacity Manual 2000 and the Department’s 2002 Quality/Level of Service Handbook are This manual is hereby incorporated by reference and made a part of these rules. The National Transportation Research Board’s Highway Capacity Manual 2000 Special Report 209, is available from the Transportation Research Board, National Research Council, Washington, D.C. The Department’s 2002 Quality/Level of Service Handbook may be found at: http://www.dot.state.fl.us/planning/systems/sm/los/los_sw2.htm.~~

~~(7)(9)~~ “(Limited Access Facilities Highways (Freeways))” means are multilane divided highways having a minimum of two lanes for exclusive use of traffic in each direction and full control of ingress and egress; this includes freeways and all fully controlled access roadways.

~~(10)~~ “Maintain” means continuing operating conditions at a level such that significant degradation does not occur.

~~(a)~~ For roadways in rural areas, transitioning urbanized areas, urban areas or communities, “significant degradation” means:

~~1. An average annual daily traffic increase in two-way traffic volume of five percent; or~~

~~2. A reduction in operating speed for the peak direction in the 100th highest hour of five percent.~~

~~(b)~~ For roadways in urbanized areas, for roadways parallel to exclusive transit facilities, or for intrastate roadways in transportation concurrency management areas, “significant degradation” means:

~~1. An average annual daily traffic increase in two-way traffic volume of 10 percent or~~

~~2. A reduction in operating speed for the peak direction in the 100th highest hour of 10 percent.~~

~~(c)~~ For other state roads in transportation concurrency management areas, “significant degradation” is defined in the transportation element or traffic circulation element, if applicable.

~~(d)~~ For constrained roadways meeting or exceeding the level of service standards, “maintain” does not apply until the roadway is operating below the applicable minimum level of service standard.

~~(8)(11)~~ “Other State Roads” means are roads on the SHS State Highway System which are not part of the FIHS Florida Intrastate Highway System.

~~(9)(12)~~ “Peak Hour” means the 100th highest volume hour of the year in the predominant traffic flow direction from the present through a 20-year planning horizon. The 100th highest hour approximates the typical peak hour during the peak season.

~~(10)~~ “Multimodal Transportation Districts (MMTDs)” means areas in which secondary priority is given to vehicle mobility and primary priority is given to assuring a safe, comfortable and attractive pedestrian environment with convenient interconnection to transit. Local government comprehensive plans may establish multimodal LOS standards within MMTDs pursuant to Section 163.3180(15), Florida Statutes.

~~(11)~~ “Regionally Significant Roadways” means as established pursuant to Section 339.2819, Florida Statutes.

~~(12)(13)~~ “Roadways Parallel to Exclusive Transit Facilities” means are roads that generally run parallel to and within one-half mile of exclusive transit facilities, which are a physically separated rail or roadway lanes reserved for multipassenger use by rail cars or buses serving large volumes

of home/work trips during peak travel hours. Exclusive transit facilities do not include downtown people-movers, or high occupancy vehicle lanes unless physically separated from other travel lanes.

~~(13)(14)~~ “Rural Areas” means are areas not included in an urbanized area, a transitioning urbanized area, an urban area, or a community.

~~(14)~~ “Strategic Intermodal System (SIS)” means as established pursuant to Sections 339.61-.64, Florida Statutes.

~~(15)~~ “SIS Connectors” means designated roadways that connect SIS hubs to SIS highways. These may be either on or off the SHS.

~~(16)~~ “SIS Hubs” means ports and terminals that move goods or people between Florida regions or between Florida and other markets in the United States and the rest of the world. These include commercial service airports, deepwater seaports, space ports, interregional rail and bus terminals, and freight rail terminals.

~~(17)(15)~~ “Transitioning Urbanized Areas” means are the areas outside urbanized areas, but within the MPO Metropolitan Planning Area Boundaries, that are expected to be included within the urbanized areas within the next 20 years based primarily on the U.S. Bureau of Census urbanized criteria.

~~(18)~~ “Transportation Concurrency Exception Area (TCEA)” means an area which is so designated by a local government pursuant to Section 163.3180, Florida Statutes.

~~(19)(16)~~ Transportation Concurrency Management Areas (TCMA)” means a are geographically compact areas with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A TCMA may be designated in local government comprehensive plans designated in local government comprehensive plans where intensive development exists or is planned in a manner that will ensure an adequate level of mobility and further the achievement of identified important state planning goals and policies, including discouraging the proliferation of urban sprawl, encouraging the revitalization of existing downtowns and designated redevelopment areas, protecting natural resources, protecting historic resources, maximizing the efficient use of existing public facilities, and promoting public transit, bicycling, walking, and other alternatives to the single occupant automobile. Transportation concurrency management areas may be established in a comprehensive plan in accordance with Section 163.3180, Florida Statutes. Rule 9J-5.0057, Florida Administrative Code.

~~(17)~~ “Transportation Mobility Elements” are integrated, multi-modal plans that meet the requirements of Rule 9J-5.0057.

~~(20)~~ “Transportation Regional Incentive Program (TRIP)” means as established pursuant to Section 339.2819, Florida Statutes.

~~(21)(18)~~ “Urban Areas” means ~~are~~ places with a population of at least 5,000 ~~which and~~ are not included in urbanized areas based on the most recent U.S. Census. The applicable boundary encompasses the ~~1990~~ urban area as well as the surrounding geographical area as ~~determined agreed upon~~ by the Federal Highway Administration (FHWA), the Department ~~FDOT~~, and local government, ~~and Federal Highway Administration (FHWA)~~. The boundaries are commonly called FHWA Urban Area Boundaries and include areas expected to have medium density development before the next decennial census.

~~(22)(19)~~ “Urbanized Areas” means ~~are~~ the ~~1990~~ urbanized areas, designated by the U.S. Bureau of Census as well as the surrounding geographical areas, as ~~determined agreed upon~~ by the FHWA, the Department ~~FDOT~~, and the Metropolitan Planning Organization (MPO), and ~~are Federal Highway Administration (FHWA)~~, commonly called FHWA Urbanized

Area Boundaries. The over or under 500,000 classifications distinguish urbanized areas ~~with a populations over or under 500,000~~ based on the ~~most recent 1990~~ U.S. Census.

Specific Authority ~~163.3180(10), 344.044(2) FS. Law Implemented 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), (21), 339.155(2), (5), (6) 339.2819, 339.61-64 FS. History—New 4-14-92, Amended~~

(Substantial rewording of Rule 14-94.003 follows. See Florida Administrative Code for present text.)

14-94.003 Statewide Minimum Level of Service Standards.

(1) The Statewide Minimum LOS Standards are as follows:

[Editorial Note: Insert Table Here. The table totally replaces the table on V. 4, P. 369, F.A.C.]

<u>STATEWIDE MINIMUM LEVEL OF SERVICE STANDARDS FOR THE STATE HIGHWAY SYSTEM, ROADWAYS ON THE STRATEGIC INTERMODAL SYSTEM (SIS), ROADWAYS ON THE FLORIDA INTRASTATE HIGHWAY SYSTEM (FIHS) AND ROADWAY FACILITIES FUNDED IN ACCORDANCE WITH SECTION 339.2819, FLORIDA STATUTES, THE TRANSPORTATION REGIONAL INCENTIVE PROGRAM (TRIP)</u>				
	<u>SIS AND FIHS FACILITIES</u>		<u>TRIP FUNDED FACILITIES AND OTHER STATE ROADS³</u>	
	<u>Limited Access Highway (Freeway)</u>	<u>Controlled Access Highway</u>	<u>Other Multilane</u>	<u>Two-Lane</u>
<u>Rural Areas</u>	<u>B</u>	<u>B¹</u>	<u>B</u>	<u>C</u>
<u>Transitioning Urbanized Areas, Urban Areas, or Communities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Urbanized Areas Under 500,000</u>	<u>C(D)</u>	<u>C</u>	<u>D</u>	<u>D</u>
<u>Urbanized Areas Over 500,000</u>	<u>D(E)</u>	<u>D</u>	<u>D</u>	<u>D</u>
<u>Roadways Parallel to Exclusive Transit Facilities</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>
<u>Inside TCMA^s</u>	<u>D(E)²</u>	<u>E²</u>	<u>--²</u>	<u>--²</u>
<u>Inside TCEA^s² and MMTD^s²</u>	<u>--²</u>	<u>--²</u>	<u>--²</u>	<u>--²</u>

Level of service standards inside of parentheses apply to general use lanes only when exclusive through lanes exist.

- For rural two-lane facilities, the standard is C.
- Means the Department must be consulted regarding level of service standards set on SIS or TRIP facilities impacted by TCMA^s, MMTD^s, or TCEA^s.
- The level of service standards for non TRIP facilities may be set by local governments in accordance with Rule 9J-5.0055, F.A.C.

NOTE: Level of service letter designations are defined in the Department’s 2002 *Quality/Level of Service Handbook*.

(a) The minimum LOS standards represent the lowest acceptable operating conditions in the peak hour.

(2) Specific assumptions and restrictions that apply to these minimum LOS standards are:

(b) Definitions and measurement criteria used for the minimum LOS standards can be found in the Transportation Research Board's Highway Capacity Manual 2000.

(c) When calculating or evaluating level of service pursuant to this rule, all calculations and evaluations shall be based on the methodology contained in Transportation Research Board's Highway Capacity Manual 2000, the Department's 2002 Quality/Level of Service Handbook, or a methodology determined by the Department to be of comparable reliability. Any methodology superseded by the Highway Capacity Manual 2000, such as a methodology based on the 1997 Highway Capacity Manual or Circular 212, shall not be used.

(3) Minimum LOS Standards for SIS Connectors and TRIP Funded Facilities are:

(a) Minimum LOS Standards for SIS Highways.

1. Limited access SIS highways shall adhere to the limited access FIHS LOS standards.

2. Controlled access SIS highways shall adhere to the controlled access FIHS LOS standards.

3. These standards shall apply regardless whether the facility is FIHS, SHS, or under other jurisdiction.

(b) Minimum LOS Standards for SIS Connectors. The minimum LOS standard for SIS connectors connectors shall be LOS D.

(c) Minimum LOS Standards for Regionally Significant Roadways Funded by the TRIP.

1. Regionally significant roadways utilizing TRIP funding shall adhere to the Other State Roads Standards in Chapter 14-94, F.A.C.

2. These LOS standards apply to the TRIP funded portions of the roadway facilities extending to their logical termini for LOS analysis.

Specific Authority 163.3180(10), 344.044(2) FS. Law Implemented 163.3180(10), 163.3184(4), 334.03, 334.044(10)(a), (12), (19), (24), 339.155(2), (5), (6) 339.2819, 339.61-.64 FS. History--New 4-14-92, Amended _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Reimbursement Contract	19-8.010
Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes	19-8.013
Reimbursement Premium	19-8.028
Insurer Reporting Requirements	19-8.029
Insurer Responsibilities	19-8.030

PURPOSE AND EFFECT: To discuss proposed amendments to the following rules: Rule 19-8.010, F.A.C., the annual Reimbursement Contract, Rule 19-8.013, Revenue Bonds Issued pursuant to Section 215.555(b), F.S., Rule 19-8.028, F.A.C., the annual Reimbursement Premium Formula, Rule 19-8.029, F.A.C., the Insurer Reporting Requirements, and Rule 19-8.030, F.A.C., Insurer Reporting Responsibilities.

SUBJECT AREA TO BE ADDRESSED: Contract requirements, bonding, premium formula requirements, insurer reporting requirements for the 2006-2007 contract year, and insurer responsibilities.

SPECIFIC AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, January 19, 2006

TELEPHONE: The conference call number for those who wish to participate by telephone is (850)487-8540 or Suncom 277-8540.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jack E. Nicholson, Senior FHCF Officer, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300; telephone (850)413-1340

Copies of the proposed amended rules and the agenda for the workshop may be obtained from: Donna Sirmons, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; (850)413-1349. Any person requiring special accommodations to participate in this proceeding is asked to advise Donna Sirmons at least five (5) calendar days before such proceeding.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE:	RULE NO.:
Qualified Individuals	19B-8.001

PURPOSE AND EFFECT: To change the rule requirement for substitution of beneficiaries in the Florida Prepaid College program to allow a change of beneficiary after a portion of the account benefits have been utilized by another qualified beneficiary.

SUBJECT AREA TO BE ADDRESSED: The requirements for substitution of beneficiaries in the Prepaid College Program.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98(4) FS.

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

TIME AND DATE: 2:00 p.m., January 9, 2006

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-8.001 Qualified Individuals.

Except when an advance ~~payment purchase~~ contract is established by a purchaser functioning in a custodial capacity, a purchaser may change the qualified beneficiary to any member of the family of the then-current qualified beneficiary, at any time, by submitting a written, notarized request signed by the purchaser directing the Board to change the qualified beneficiary for the contract. "Member of the family" means the same as that term is defined in s. 529 of the Internal Revenue Code. The substitute beneficiary must meet the residency requirement of a qualified beneficiary at the time of substitution. The contract purchaser will be required to sign and notarize any request to substitute beneficiaries on an advance payment contract. ~~The substitution must be made prior to the qualified beneficiary using benefits at a postsecondary institution.~~

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History--New 3-29-89, Formerly 4G-8.001, Amended 12-5-93, 6-20-96, 8-18-97, 12-16-97, 3-24-99, 2-8-00, 10-9-01, 12-28-03,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Care of Inmates

RULE NO.: 33-602.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide uniformity in inmate dress requirements by clarifying when the wearing of athletic shorts outside the housing unit is permissible.

SUBJECT AREA TO BE ADDRESSED: Inmate uniforms.

SPECIFIC AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.101 Care of Inmates.

(1) No change.

(2) Inmates shall at all times wear the regulation clothing and identification card in accordance with institution policy.

(a) through (i) No change.

(j) Inmates shall not wear athletic shorts authorized for possession and purchase through the institutional canteen outside their assigned housing units except as authorized below:

1. Inmates shall be allowed to wear athletic shorts on the recreation yard and for movement to and from the recreation yard:

2. Inmates shall be allowed to wear athletic shorts to the inmate canteen only in those cases where inmates are allowed to go to the inmate canteen directly from the recreation yard.

(3) through (10) No change.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.09 FS. History--New 10-8-76, Formerly 33-3.02, Amended 4-19-79, 4-24-80, 1-9-85, 11-3-87, 9-16-88, 7-23-89, 8-27-91, 3-30-94, 11-14-95, 6-2-99, Formerly 33-3.002, Amended 11-21-00, 1-25-01, 1-19-03, 9-23-03,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Administrative Confinement

RULE NO.: 33-602.220

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language from form DC4-650, Observation Checklist.

SUBJECT AREA TO BE ADDRESSED: Observation checklist for inmates who have demonstrated behavior that is or could be harmful to himself or others

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.04 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.220 Administrative Confinement.

(1) through (10) No change.

(11) Forms. The following forms referenced in this rule are hereby incorporated by reference. A copy of any of these forms may be obtained from the Forms Control Administrator, Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) Form DC4-650, Observation Checklist, effective date ~~1-19-03~~.

(b) through (i) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History—New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended 2-12-01, 2-5-02, 1-19-03, 4-1-04, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: _____ RULE NO.: _____

Procedures for Signing and Sealing
Electronically Transmitted Plans,
Specifications, Reports or
Other Documents

61G1-16.005

PURPOSE AND EFFECT: The Board proposes to create this rule to clarify the procedures for signing and sealing electronically transmitted plans, specifications, reports, or other documents.

SUBJECT AREA TO BE ADDRESSED: Procedures for Signing and Sealing Electronically Transmitted Plans, Specification, Reports or Other Documents.

SPECIFIC AUTHORITY: 481.2055, 481.221(2)(3) FS.

LAW IMPLEMENTED: 481.221(2)(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-16.005 Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) Information stored in electronic files representing plans, specifications, plats, reports, or other documents which must be sealed under the provisions of Chapter 481, F.S., shall be signed, dated and sealed by the architect or interior designer in responsible charge.

(2) Electronic files may be signed and sealed by creating a "signature" file that contains the architect's or interior designer's name and license number, a brief overall description of the documents, and a list of the electronic files to be sealed. Each file in the list shall be identified by its file name utilizing relative Uniform Resource Locators (URL) syntax described in the Internet Architecture Board's Request for Comments (RFC) 1738, December 1994, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: ftp://ftp.isi.edu/in_notes/rfc1738.txt. Each file shall have an authentication code defined as an SHA_1 message digest described in Federal Information Processing Standard Publication 180_1 "Secure Hash Standard," 1995 April 17, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: http://www.itl.nist.gov/fipspubs/fip180_1.htm. A report shall be created that contains the architect's or interior designer's license number, a brief overall description of the documents in question and the authentication code of the signature file. This report shall be printed and manually signed, dated, and sealed by the architect or interior designer in responsible charge. The signature file is defined as sealed if its authentication code matches the authentication code on the printed, manually signed, dated and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed authentication code matches the file's computed authentication code.

Specific Authority 481.2055, 481.221(2), (3) FS. Law Implemented 481.221(2), (3) FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: _____ RULE NO.: _____

Professional Fees and Penalties for Architects 61G1-17.001

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

SUBJECT AREA TO BE ADDRESSED: Professional Fees and Penalties for Architects.

SPECIFIC AUTHORITY: 455.217(2), 455.2281, 481.207 FS.

LAW IMPLEMENTED: 455.217(2), 455.2281, 455.271, 481.207, 481.209, 481.219 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North 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 Architecture and Interior Design

RULE TITLE: Responsible Supervising Control Over Architectural Practice in the Architect's Office
RULE NO.: 61G1-23.010

PURPOSE AND EFFECT: The Board proposes to add additional responsibilities for the architect in the architectural practice.

SUBJECT AREA TO BE ADDRESSED: The additional responsibilities for the architect in the architectural practice.

SPECIFIC AUTHORITY: 481.2055, 481.221(6) FS.

LAW IMPLEMENTED: 481.221(6), 481.223, 481.225(1)(g) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G1-23.010 Responsible Supervising Control Over Architectural Practice in the Architect's Office.

(1) Each architectural office maintained for the preparation of drawings, specifications, reports and other professional work shall have an architect duly registered with the Board of Architecture & Interior Design within that office with full authority and in responsible charge, having direct knowledge and supervising control over such work. This Rule 61G1-23.010, F.A.C., does not address the procedures required of an architect in sealing and signing work which falls within the definition of "interior design" as that term is defined in Section 481.203(8), F.S. The responsible supervising control which is required of architects prior to sealing and signing architectural documents as that term is used in Section 481.221(6)(4), F.S., shall mean:

- (a) through (b) No change.
- (2) through (3) No change.

(4) The architect accepts professional responsibility for all architectural design activities of a project throughout design development and the production of all documents and instruments of service. The architect shall prepare and maintain evidence of the architect's continuing effort in such work to

include written calculations, correspondence, time records, check prints, telephone logs, site visit logs or research done for the project and shall provide such evidence to state or local authorities upon their request.

(5) The architect maintains documentation that the architect has supervised the preparation of all documents and instruments of service, reviewed all project data, inspected the project site and entered into an agreement with the persons preparing the documents accepting professional responsibility for such work.

(6) The architect makes certain, if the work which the architect intends to seal and sign has been prepared by another person, that whenever such final work is submitted to a client, building owner or building user, the architect is present during such submissions in order to respond to questions from the client, owner or user.

(7) Reviewing, or reviewing and correcting, technical submissions after they have been prepared by others does not constitute the exercise of responsible supervising control over, nor detailed professional knowledge of, the content of such submissions.

Specific Authority 481.2055, 481.221(6) FS. Law Implemented 481.221(6), 481.223, 481.225(1)(g) FS. History--New 11-21-94, Amended 7-3-03,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLE: Endorsement
RULE NO.: 61G3-16.005
PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: Endorsement.

SPECIFIC AUTHORITY: 476.064(4), 476.144(5) FS.

LAW IMPLEMENTED: 476.144(5) 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: Robyn Barineau, Executive Director, Barbers' Board, 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

Barbers' Board

RULE TITLE: Barbershop Requirements
RULE NO.: 61G3-19.011
PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: Barbershop Requirements.

SPECIFIC AUTHORITY: 476.064(4) FS.
 LAW IMPLEMENTED: 476.184 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: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

Detention Services

RULE TITLES:	RULE NOS.:
Purpose and Scope	63G-2.001
Definitions	63G-2.002
Construction and Maintenance	63G-2.003
Staffing and Operations	63G-2.004
Security	63G-2.005
Treatment, Training and Education of Children	63G-2.006
Sanitation	63G-2.007
Capacity	63G-2.008
Bedding	63G-2.009
Nutrition	63G-2.010
Medical Treatment, Health and Comfort	63G-2.011
Disciplinary Treatment	63G-2.012

PURPOSE AND EFFECT: The proposed rule is intended to implement standards and requirements described in Section 985.404(10), Florida Statutes, governing Florida's regionally administered system of detention services for children.

SUBJECT AREA TO BE ADDRESSED: Standards and requirements for secure detention services.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.404(10) FS.

LAW IMPLEMENTED: 985.404(10) FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Tuesday, January 17, 2006

PLACE: DJJ Detention Services Southern Region Office, Atrium Center, 4801 S. University Dr., Ste. 110, Davie, Florida

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Wednesday, January 18, 2006

PLACE: DJJ Detention Services Central Region Office, 4524 Oak Fair Blvd., Ste. 200, Tampa, Florida

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Thursday, January 19, 2006

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

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

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE:	RULE NO.:
Licensees Excused from Continuing Educational Requirements	64B5-12.0135

PURPOSE AND EFFECT: The Board proposes to, make changes to this section to, among other issues, clarify that the statutory licensure renewal training requirements found in Sections 456.013(7), 456.031 and 456.033, F.S., are not exempted by any provision of this rule section.

SUBJECT AREA TO BE ADDRESSED: Licensees excused from continuing educational requirements.

SPECIFIC AUTHORITY: 466.004(4), 466.0135, 466.014 FS.

LAW IMPLEMENTED: 466.0135, 466.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES:	RULE NOS.:
Standard Terms Applicable to Orders	64B8-8.0011
Probation Variables	64B8-8.0012

PURPOSE AND EFFECT: The Board proposes the development of rules to set forth standard terms which are applicable to Board Orders and to set forth the various probationary terms imposed by Orders of the Board in disciplinary proceedings.

SUBJECT AREA TO BE ADDRESSED: Standard terms which are applicable to the Board's Orders and probation variables.

SPECIFIC AUTHORITY: 456.072(2), 458.331(2) FS.

LAW IMPLEMENTED: 458.331(2), (4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Continuing Education for Biennial Renewal
 RULE NO.: 64B8-13.005

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address continuing education requirements for renewal.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for licensure renewal.

SPECIFIC AUTHORITY: 456.013(6), (7), 456.031(4), 458.309, 458.319 FS. LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), (3), 458.319(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) Every physician licensed pursuant to Chapter 458, F.S., shall be required to complete 40 hours of continuing medical education courses approved by the Board in the 24 months preceding each biennial renewal period as established by the Department.

(a) through (c) No change.

(d) All applicants for an initial license, reactivation or reinstatement of their license who obtained the required domestic violence, end of life and palliative health care, or HIV/AIDS course for initial licensure, reactivation or reinstatement within six (6) months immediately preceding licensure renewal may use the same domestic violence, end of life palliative health care, or HIV/AIDS hours obtained for initial licensure, reactivation or reinstatement to meet the requirements for licensure renewal.

~~(e)~~ No change.

(2) through (12) No change.

Specific Authority 456.013(6), (7), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6), (7), 456.031(1)(a), (3), 458.319(4) FS. History--New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03, 5-4-04, 5-20-04, 4-5-05.

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE TITLES:	RULE NOS.:
General Regulations; Definitions	64F-12.001
Records of Drugs, Cosmetics and Devices	64F-12.012
Prescription Drugs; Receipt, Storage and Security	64F-12.013
Licensing, Application, Permitting	64F-12.015
Fees	64F-12.018
Restricted Prescription Drug Distributor Permits; Special Provisions	64F-12.023

PURPOSE AND EFFECT: The 2003 Legislature passed Senate Bill 2312, The Prescription Drug Protection Act, that provided for a phase-in of enhanced drug regulation intended to further safeguard and protect the prescription drug supply in Florida. Effective July 1, 2006, a pedigree that traces all previous distributions of all prescription drugs back to the manufacturer must be provided by a wholesale distributor to all customers who acquired the prescription drug through a wholesale distribution. This rule development workshop is intended to continue gathering information and input from industry to craft additional rules that will facilitate industry's compliance with the pedigree requirements that go into effect on July 1, 2006.

SUBJECT AREA TO BE ADDRESSED: The subject areas include, but are not limited to Certificate Authorities and Revocation Authorities for digital signatures that may be used for authentication of an electronic pedigree; pedigree provisions for emergency distributions; inventory on-hand at on July 1, 2006 and handling prescription drugs distributed prior to July 1, 2006 but returned to a wholesaler on or after July 1, 2006; pedigree requirements for drop shipments; general matters related to implementation of the July 1, 2006 requirements for pedigree papers as may be raised by workshop participants; paper submissions to document establishment conditions when an on-site inspection cannot be

performed within the statutory application processing timeframes; permitting of in-state private label distributors; and the possibility of establishing new restricted prescription drug distributor permit types and the application and fee requirements for such permits.

SPECIFIC AUTHORITY: 499.003(31), 499.0121(6), 499.014, 499.05 FS.

LAW IMPLEMENTED: 499.003(31), 499.0121(4), (6)(f), 499.013, 499.014 FS.

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

TIME AND DATE: 9:30 a.m. – 12:00 Noon, E.S.T., Thursday, January 12, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sandra Stovall, Compliance Manager, Bureau of Statewide Pharmaceutical Services, 2818-A Mahan Drive, Tallahassee, Florida 32308; (850)487-1257, ext. 210, sandra_stovall@doh.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME. DRAFT LANGUAGE WILL BE PUBLISHED ON THE BUREAU'S WEBSITE AT www.doh.state.fl.us/pharmacy/drugs 10 DAYS PRIOR TO THE SCHEDULED WORKSHOP.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Rules Relating to Fur Bearing Animals and Possession of Hides	68A-24

RULE TITLE:	RULE NO.:
License and Tagging Requirements	68A-24.003

PURPOSE AND EFFECT: The purpose of the proposed rule development is to revise statutory references that have been changed related to licenses for the taking and possession of fur bearing animals. The effect will be to have the correct statutory citation in the rule.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include the requirement for an appropriate license to take or possess fur bearing animals.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Const.; 372.021, 372.66 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Const.; 372.57, 372.66 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED IN NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Col. Julie Jones, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME. FUTURE DRAFTS OF THE PROPOSED RULES MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Rules Relating to Fur Bearing Animals and Possession of Hides	68A-24.004

RULE TITLE:	RULE NO.:
Fur and Hide Dealers: Operations, Reporting Requirements	68A-24.004

PURPOSE AND EFFECT: The purpose of the proposed rule development is to revise statutory references that have been changed related to the purchase of hides from licensed individuals. The effect will be to have the correct statutory citation in the rule.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include the requirements for purchasing of hides of fur bearing animals only from individuals with an appropriate license.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Const.; 372.57, 372.66, 372.6672, 372.6673, FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED IN NEXT AVAILABLE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Col. Julie Jones, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME. FUTURE DRAFTS OF THE PROPOSED RULES MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: Firefighter Employment Standards
 RULE TITLE: General Guidelines for Firefighter Employer

RULE CHAPTER NO.: 69A-62
 RULE NO.: 69A-62.021

PURPOSE AND EFFECT: All fire departments must have a safety and health program in place. Fire departments found to be in violation of any part of the rules pertaining to firefighter safety must also have a remediation plan, in addition to the safety and health program. The change being made more clearly reflects that intent.

SUBJECT AREA TO BE ADDRESSED: Fire departments' safety and health programs and remediation plans for fire departments in violation of any part of the firefighter safety and health rules.

SPECIFIC AUTHORITY: 633.821 FS.

LAW IMPLEMENTED: 633.821 FS.

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

TIME AND DATE: 9:00 a.m., January 9, 2006

PLACE: Conference Room, Third Floor, Atrium Building, 325 John Knox Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Walter Malo, Safety Program Manager, Bureau of Fire Standards and Training, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486, phone (352)369-2800

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-62.021 General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs.

The following are the guidelines for a Firefighter Employer Comprehensive Safety and Health Program. These guidelines shall be used by all firefighter employers ~~that are notified by the division that they have a high frequency or severity of workers' compensation claims to prepare their Firefighter Employer Comprehensive Safety and Health Remediation Plan.~~

(1) through (7) No change.

Specific Authority 633.821 FS. Law Implemented 633.821 FS. History--New 9-6-04, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Fraud

RULE CHAPTER TITLE: Insurer Anti-fraud Investigative Units
 and Anti-fraud Plans

RULE CHAPTER NO.: 69D-2

RULE TITLES: Purpose and Scope
 Definitions
 Insurer SIUs
 Insurer Anti-Fraud Plans
 Compliance and Enforcement

RULE NOS.: 69D-2.001
 69D-2.002
 69D-2.003
 69D-2.004
 69D-2.005

PURPOSE AND EFFECT: The purpose of this rule chapter is to implement the provisions of Section 626.9891, Florida Statutes requiring a higher level of detail and accountability for insurer fraud plans and insurer SIU descriptions.

SUBJECT AREA TO BE ADDRESSED: Insurer anti-fraud plans and SIU descriptions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 624.308, 626.9891 FS.

LAW IMPLEMENTED: 624.307, 626.989, 626.9891(1), 626.9891(2), 626.9891(3), 626.9891(7), 626.9891(8) FS.

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

TIME AND DATE: 9:00 a.m., Monday, January 9, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Charles L. Gowland, Jr., Division of Insurance Fraud, Department of Financial Services

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Serica Johnson at (850)413-4216.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

INSURER ANTI-FRAUD INVESTIGATIVE UNITS AND
ANTI-FRAUD PLANS

69D-2.001 Purpose and Scope.

The purpose of this rule chapter is to implement the provisions of Section 626.9891, F.S., establishing guidelines and reporting requirements for insurer anti-fraud investigative units and anti-fraud plans.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.9891(8) FS. History--New _____.

69D-2.002 Definitions.

For the purposes of this rule:

(1) "Division" refers to the Department of Financial Services, Division of Insurance Fraud.

(2) "NAIC" refers to the National Association of Insurance Commissioners.

(3) "Office" refers to the Office of Insurance Regulation, Market Investigations.

(4) "SIU" refers to an insurer's internal or contracted anti-fraud investigative unit.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.9891(8) FS. History--New _____.

69D-2.003 Insurer SIUs.

(1) An insurer subject to Section 626.9891(1), F.S., shall file with the Division a description of such SIU on or before July 1, 2006, and every 3 years thereafter, and such description shall include:

(a) The names of all employees assigned to the SIU, and a description of each employee's work responsibilities relating to the SIU's anti-fraud efforts;

(b) A description of the SIU's procedures for detecting and investigating possible fraudulent insurance acts. This description shall include:

1. A list of red flags or indicators that are used to detect fraudulent activity relating to the different types of insurance offered by that insurer;

2. Written guidelines for the investigation of acts of suspected insurance fraud relating to the different types of insurance offered by that insurer;

(c) A description of the SIU's procedures for the mandatory reporting of suspected fraudulent insurance acts directly to the Division pursuant to Section 626.989(6), F.S. This description shall include:

1. A written guideline utilized by the insurer or its SIU to determine whether or not the facts relating to a particular insurance transaction create a reasonable belief or articulable suspicion that a person or entity has committed a fraudulent insurance act;

2. An explanation of the insurer's or SIU's method of recording and tracking all acts of suspected insurance fraud discovered using the guideline described in sub-paragraph 1.

3. An explanation of the insurer's or SIU's method for reporting all such suspected fraudulent insurance acts directly to the Division using a standard digital referral format as specified by the Division;

(d) A description of the SIU's plan for anti-fraud education and training of its claims adjusters, SIU personnel, and any other personnel involved in anti-fraud related efforts. This description shall include:

1. A written plan that involves the establishment of minimum standards for the education and training of all employees involved in anti-fraud related efforts.

2. A written plan that involves on-going training on an annual basis;

3. A written plan that calls for the documentation of training course or seminar information including, but not limited to, course or seminar titles, dates, and descriptions.

(e) The contact information including names, email addresses, and telephone numbers, for employees designated by the insurer or SIU to be responsible for achieving and maintaining compliance with Section 626.9891(1), F.S., and this rule chapter;

(f) The insurer's NAIC individual and group code numbers;

(2) An insurer or SIU subject to Section 626.9891(1), F.S., and this rule chapter, shall submit this SIU description via digital format as specified by the Division.

(3) An insurer or SIU subject to Section 626.9891(1), F.S., and this rule chapter, will have a 90 day grace period to submit their initial SIU description, and will have a 30 day grace period for each subsequent submission every three years thereafter.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.989, 626.9891(1) FS. History--New _____.

69D-2.004 Insurer Anti-Fraud Plans.

(1) An insurer subject to Section 626.9891(2), F.S., shall file with the Division of Insurance Fraud such anti-fraud plan on or before July 1, 2006, and every 3 years thereafter, and such anti-fraud plan shall include:

(a) A written description or chart outlining the organizational arrangement of the insurer's anti-fraud personnel who are responsible for the investigation and reporting of possible fraudulent insurance acts.

(b) A description of the insurer's procedures for detecting and investigating possible fraudulent insurance acts including specific investigative guidelines for the different types of insurance offered by that insurer. This description shall include:

1. A list of red flags or indicators that are used to detect fraudulent activity relating to the different types of insurance offered by that insurer;

2. Written guidelines for the investigation of acts of suspected insurance fraud relating to the different types of insurance offered by that insurer:

(c) A description of the insurer's procedures for the mandatory reporting of possible fraudulent insurance acts directly to the Division pursuant to Section 626.989(6), F.S. This description shall include:

1. A written guideline utilized by the insurer to determine whether or not the facts relating to a particular insurance transaction create a reasonable belief or articulable suspicion that a person or entity has committed a fraudulent insurance act;

2. An explanation of the insurer's method of recording and tracking all acts of suspected insurance fraud discovered using the guideline described in subparagraph 1.

3. An explanation of the insurer's method for reporting suspected fraudulent insurance acts directly to the Division using a standard digital referral format as specified by the Division;

(d) A description of the insurer's plan for anti-fraud education and training of its claims adjusters and any other personnel involved in anti-fraud related efforts. This description shall include:

1. A written plan that involves the establishment of minimum standards for the education and training of all employees involved in anti-fraud related efforts;

2. A written plan that involves on-going training on an annual basis;

3. A written plan that calls for the documentation of training course or seminar information including, but not limited to, course or seminar titles, dates, and descriptions;

(e) The contact information, including names, e-mail addresses, and telephone numbers, for employees designated by the insurer to be responsible for achieving and maintaining compliance with Section 626.9891(2), F.S., and this rule chapter;

(f) The insurer's NAIC individual and group code numbers;

(2) An insurer subject to Section 626.9891(2), F.S., and this rule chapter, shall submit this anti-fraud plan via digital format as specified by the Division.

(3) An insurer subject to Section 626.9891(2), F.S., and this rule chapter, will have a 90 day grace period to submit their initial anti-fraud plan, and will have a 30 day grace period for each subsequent submission every three years thereafter.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.9891(2),(3) FS. History--New _____.

69D-2.005 Compliance and Enforcement.

(1) The Division and the Office shall conduct audits or request self-assessment examinations of insurer SIU descriptions or anti-fraud plans as deemed necessary to determine compliance with Section 626.9891, F.S., and this rule chapter.

(2) If such audit or examination reveals a deficiency in an insurer SIU description or anti-fraud plan as determined by the Office or the Division, the insurer shall have 30 days from the date of notification from the Office or the Division to correct such deficiency and provide the Division with the corrected information. However, this additional 30 day period does not apply in those situations where an insurer fails to submit their SIU description or anti-fraud plan to the Division before the expiration of the 30 or 90 day grace period provided in this rule chapter.

(3) If an insurer fails to take corrective action as set forth in paragraph (2), fails to implement or follow the provisions of their anti-fraud plan or SIU description, or in any other way fails to comply with the requirements of Section 626.9891, F.S., and this rule chapter, the Office shall take appropriate administrative action pursuant to this Section.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.9891(7) FS. History--New _____.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Indemnity Standard Risk Rates	690-149.205
Preferred Provider/Exclusive Provider	
Standard Risk Rates	690-149.206
Health Maintenance Organization Standard	
Risk Rates	690-149.207

PURPOSE AND EFFECT: The Office is required to conduct an annual survey of the individual market and publish standard risk rates to be used in determining the maximum statutory group conversion rate. The annual survey is conducted for PPO/EPO, Indemnity and HMO separately.

SUBJECT AREA TO BE ADDRESSED: Standard Risk Rates.
SPECIFIC AUTHORITY: 624.308, 627.6675(3)(c) FS.

LAW IMPLEMENTED: 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS.

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

TIME AND DATE: 9:30 a.m., January 11, 2006
PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

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

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Historical Resources

RULE TITLE: Prohibited Practices; Penalties
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to specify the circumstances which the division may institute an administrative proceeding pursuant to paragraphs 267.13(2)(a)-(c), Florida Statutes, or when the division may apply to a court of competent jurisdiction for injunctive relief pursuant to paragraph 267.13(2)(d), Florida Statutes.

SUMMARY: The Division of Historical Resources proposes to develop the rule to impose enforcement power of penalties and seek injunctive relief relating to prohibited practices specified in paragraphs 267.13(2)(a) and (d), Florida Statutes.

SPECIFIC AUTHORITY: 20.10(3), 267.13(2)(e) FS.

LAW IMPLEMENTED: 267.13(2)(e) FS.

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

TIME AND DATE: 10:00 a.m., Tuesday January 17, 2006
 PLACE: Florida Heritage Hall, First Floor, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ryan Wheeler, Chief, Bureau of Archaeological Research, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6301

THE FULL TEXT OF THE PROPOSED RULE IS:

1A-31.013 Prohibited practices; Penalties

(1) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of paragraph 267.13(2)(a), F.S., the division may

commence an administrative proceeding as specified in paragraphs 267.13(2)(a)-(c), F.S. If it is determined to be in the best interest of the State, the division will contact the alleged violator and direct that the offending activity cease immediately and/or direct that the property of the State be returned to the division. If the violation does not cease or is not cured within the time specified by the division, the division will send the alleged violator notice as provided in paragraph 267.13(2)(b), F.S. If the alleged violator timely requests a hearing, the administrative proceeding may be arbitration, mediation, informal or formal hearing as the facts and law dictate.

(2) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of paragraph 267.13(2)(a), F.S., in a way that presents a real and present or future danger to any of the state properties specified in paragraph 267.13(2)(d), F.S., the division may apply to a court of competent jurisdiction for injunctive relief as specified in that paragraph.

Specific Authority 20.10(3), 267.13(2)(d) FS. Law Implemented 267.13(2)(d) FS. History—New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ryan Wheeler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Fred Gaske

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

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

DEPARTMENT OF STATE

Division of Historical Resources

RULE TITLE: Prohibited Practices; Penalties
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to specify the circumstances which the division may institute an administrative proceeding pursuant to paragraphs 267.13(2)(a)-(c), Florida Statutes, or when the division may apply to a court of competent jurisdiction for injunctive relief pursuant to paragraph 267.13(2)(d), Florida Statutes.

SUMMARY: The Division of Historical Resources proposes to develop the rule to impose enforcement power of penalties and seek injunctive relief relating to prohibited practices specified in paragraphs 267.13(2)(a) and (d), Florida Statutes.

SPECIFIC AUTHORITY: 20.10(3), 267.13(2)(e) FS.

LAW IMPLEMENTED: 267.13(2)(e) FS.

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

TIME AND DATE: 10:00 a.m., Tuesday January 17, 2006

PLACE: Florida Heritage Hall, First Floor, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ryan Wheeler, Chief, Bureau of Archaeological Research, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6301

THE FULL TEXT OF THE PROPOSED RULE IS:

1A-32.006 Prohibited Practices: Penalties.

(1) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of paragraph 267.13(2)(a), F.S., the division may commence an administrative proceeding as specified in paragraphs 267.13(2)(a)-(c), F.S. If it is determined to be in the best interest of the State, the division will contact the alleged violator and direct that the offending activity cease immediately and/or direct that the property of the State be returned to the division. If the violation does not cease or is not cured within the time specified by the division, the division will send the alleged violator notice as provided in paragraph 267.13(2)(b), F.S. If the alleged violator timely requests a hearing, the administrative proceeding may be arbitration, mediation, informal or formal hearing as the facts and law dictate.

(2) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of paragraph 267.13(2)(a), F.S., in a way that presents a real and present or future danger to any of the state properties specified in paragraph 267.13(2)(d), F.S., the division may apply to a court of competent jurisdiction for injunctive relief as specified in that paragraph.

Specific Authority 20.10(3), 267.13(2)(d) FS. Law Implemented 267.13(2)(d) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Ryan Wheeler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Fred Gaske

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

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

State Technology Office

RULE TITLE: Requirements for Sworn Invoices Submitted by or on Behalf of Wireless Service Providers

RULE NO.: 60DD-1.001

PURPOSE AND EFFECT: The Board proposes the rule amendments to establish the requirements for sworn invoices for reimbursement of recurring charges.

SUMMARY: The proposed rule sets forth the itemization requirements for recurring charges submitted for reimbursement, and adds for reimbursement Phase I recurring charges, and Phase II recurring and non-recurring charges.

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

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

SPECIFIC AUTHORITY: 365.172(6)(a)12., 365.173(2)(b) FS.

LAW IMPLEMENTED: 365.173(2)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John C. Ford, Chair, State of Florida Wireless 911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60DD-1.001 Requirements for Sworn Invoices Submitted by or on Behalf of Wireless Service Providers.

All wireless service providers seeking reimbursement for actual costs incurred to provide 911 or E911 service pursuant to Section 365.173(2)(b), F.S., shall complete and submit a sworn invoice containing the following:

- (1) through (3) No change.
- (4) Itemization of non-recurring charges, ~~by county~~, for which reimbursement is sought, including:
 - (a) through (d) No change.
 - (5) Itemization of monthly recurring charges, ~~by county~~, for which reimbursement is sought, including:
 - (a) through (d) No change.
 - (6) Itemization of other recurring charges for which reimbursement is sought, including:
 - (a) Timing of each recurring item, e.g., annual, quarterly, bi-monthly, etc.;
 - (b) Description of each item;
 - (c) Quantity of each item provided;
 - (d) Unit cost of each item; and

(e) Total cost of each item.

(7) Totaled Phase I recurring charges, Phase I non-recurring charges, Phase II recurring charges and Phase II non-recurring charges.

(8)(6) No change.

(9)(7) No change.

(10)(8) No change

(11)(9) No change.

Specific Authority 365.172(6)(a)12., 365.173(2)(b) FS. Law Implemented 365.173(2)(b) FS. History--New 5-22-03, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wireless 911 Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wireless 911 Board

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
General Definitions	61D-2.001
Wagering Prohibitions	61D-2.004
Violations	61D-2.005
Electrical or Mechanical Device Prohibition	61D-2.006
Pre-meet Report Required	61D-2.008
Ineligible or Disqualified Jai Alai Player or Racing Animal	61D-2.009
Photofinish Camera and Video Tape Requirement	61D-2.010
Post Position Drawing Requirement	61D-2.011
Racing Animal Identification	61D-2.012
Altered Identification Exclusion	61D-2.016
Pooling of Prize Money in Jai Alai Prohibited	61D-2.018

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of races at pari-mutuel racing facilities.

SUMMARY: This proposed rule addresses changes in definition of terms as used in pari-mutuel rules; eligibility requirements for racing animals due to owners license status; amends and provides a new section regarding pre-race draw and limitations on the number of entries from the same kennel; and amends requirements regarding the duties of the paddock judge or horse identifier.

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

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

SPECIFIC AUTHORITY: 550.0251(3), (5), 550.054(8)(b), 550.105(2)(b), 550.155(1), 550.1815(5), 550.2415(13), 550.2625(2)(d), 550.3551(10), 550.3615(5), 550.495(2)(a), (4), 550.6305(5) FS.

LAW IMPLEMENTED: 550.01215, 550.0251, 550.054, 550.105, 550.155, 550.1815, 550.235, 550.2415, 550.2625, 550.3551, 550.3615, 550.495, 550.6305 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, January 20, 2006

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-2.001 General Definitions.

(1) "Board of ~~R~~elief" means the panel composed of three permitholder officers charged with disbursing monies deposited into the ~~B~~oard of ~~R~~elief fund to occupational license holders and their immediate families.

(2) through (7) No change.

(8) "~~License validation sticker~~" means a sticker applied by the division to photoidentification badges issued by the permitholder which are worn by occupational licensees. The

sticker is color coded by licensing year and designates when a licensee's pari-mutuel license expires and which areas of the permitholder's premises the licensee may access.

~~(8)(9)~~ "Ownership interest" means any person, corporation, or other business entity who holds in whole or part any right, title, or interest in a permitholder or application of permit.

~~(9)(10)~~ "Paddock" means the secure and restricted area designated by the permitholder for the activities associated with racing, excluding the stable areas.

~~(10)(11)~~ "Permitholder" means any person, persons or entity holding a permit issued by the division for a pari-mutuel facility.

~~(11)(12)~~ "Permitholder employee" means any employee of the permitholder, including, but not limited to, any admission employee, clerical help, security guard, maintenance employee, mutuel employee, parking employee, public relations staff person, and any switchboard, general track or fronton employee.

~~(12)(13)~~ "Permitholder license" means an annual license issued by the division to conduct pari-mutuel operations at a location specified in the permit for a specific type of pari-mutuel event specified in the permit.

~~(13)(14)~~ "Post position" means the position assigned to a racing animal or player for the start of a race or game.

~~(14)(15)~~ "Post time" ~~in auditing~~, means the scheduled start of the contest.

~~(15)(16)~~ "Race" means a contest for purse, stakes or entry fees, on an approved course, and in the presence of duly appointed racing officials.

~~(16)(17)~~ "Race day" means the calendar day on which the race begins.

~~(17)(18)~~ "Stable name" means the name used by any configuration of licensed owners other than the individual licensee's name under which the owners race a horse or horses.

~~(18)(19)~~ "State office" means the division office located at each pari-mutuel facility.

~~(19)(20)~~ "Tote" or "tote board" means the device used to display pari-mutuel information to the public.

~~(20)(21)~~ "Vendor" means any business or person providing goods or services to a contractual concessionaire, pari-mutuel licensee, or pari-mutuel permitholder when the goods or services provided require the vendor's employees ~~employee's~~ to be on the stable backside or kennel compound and come into contact with players, racing animals, or provide direct services for the support of players or racing animals at any time during any time a pari-mutuel facility is open for pari-mutuel wagering. Vendors do not include medical professionals, blacksmiths or platers.

~~(21)(22)~~ "Wagering area" means the area designated for conducting any wagering transactions.

Specific Authority 550.0251(2); (3), (5), (6), (9), ~~550.0351(8), 550.054(5), (8)(b), 550.105(2)(b)(e), (4)(b), (d), (5), (9), 550.125(2)(b), 550.155(1), 550.1815(5), 550.2415(13), ~~550.2614(4), 550.2625(2)(d), 550.3551(10), (11), 550.3615(5), 550.495(2)(a), (4), 550.6305(5)~~ FS. Law Implemented 550.0251, ~~550.0351, 550.054, 550.105, ~~550.125, 550.155, 550.1815, 550.2415, 550.2625, 550.3551, 550.3615, 550.495, 550.6305~~~~ FS. History—New 10-20-96, Amended 12-15-97, _____.~~

61D-2.004 Wagering Prohibitions.

(1) No jai alai player or game official, racing official, assistant to a game or racing official, totalisator employee, or greyhound leadout shall wager on or receive the benefits from a wager of any live race or game conducted at a track or fronton at which he/she works or officiates.

(2) No jockey, jockey's room attendant, valet, or harness driver shall wager on or receive the benefits of a wager on a race unless the owner or trainer, on behalf of the jockey or driver, makes the wager only to win or to finish first in combination with other horses. Jockeys and drivers must maintain for one year records of wagers made by the owners or trainers on their behalf ~~behaves~~ and must make the records available to the stewards or to the division upon request.

(3) No change.

Specific Authority 550.0251(3), ~~550.105(2)(b) 550.105(4)(b), (9)~~ FS. Law Implemented 550.0251, 550.105, 550.235, 550.3615 FS. History—New 10-20-96, Amended _____.

61D-2.005 Violations.

No person shall conspire with, solicit, aid, abet, counsel, hire, or procure any other person or persons; to engage in a violation of Chapter 550, Florida Statutes, or the rules promulgated thereunder, nor shall he/she commit any such act on his/her own.

Specific Authority 550.0251(3) FS. Law Implemented 550.0251 FS. History—New 6-12-97, Amended _____.

61D-2.006 Electrical or Mechanical Device Prohibition.

No person having access to the grounds of a pari-mutuel racing permitholder where racing animals are lodged or kept shall have in his/her possession while on the grounds of a pari-mutuel racing permitholder, any electrical or mechanical device designed ~~to~~ or used to increase or decrease the speed of a horse or greyhound (or that which tends to do so). This rule does not exclude the use of the ordinary whip ~~used~~ in horse racing.

Specific Authority 550.0251(3), ~~550.105(2)(b) (11), 550.105(4)(b), (9), 550.2625(2)(d)~~ FS. Law Implemented 550.0251, ~~550.09514, 550.105, 550.235, 550.2625~~ FS. History—New 10-20-96, Amended _____.

61D-2.008 Pre-meet Report Required.

Prior to the commencement of a meet, each permitholder shall submit to the division a list of racing, game, and operating officials as defined by Rule 61D-2.020, Florida Administrative Code, for the meet, the number of races or games per performance, and the types of wagers proposed to be offered. Horse racing and harness racing permitholders shall make available to the division a copy of the conditions books of the races it proposes to hold when published. Jai alai permitholders

shall submit a list of the types of games to be played, the point system to be used, and the terms of the award or prize money. Each permitholder shall provide a copy of the daily racing or game program for each performance to the designated division employee steward or judge before the beginning of each performance. All ~~operating officials and racing, game, and operating~~ officials must be licensed by the division prior to conducting the duties of their position.

Specific Authority ~~550.01215(4), 550.0251(3), 550.105(2)(b)(e), (4)(b)~~ FS. Law Implemented ~~120.80, 550.01215, 550.0251, 550.1155~~ FS. History—New 10-20-96, Amended _____.

61D-2.009 Ineligible or Disqualified Jai Alai Player or Racing Animal.

(1) No person shall willfully enter or cause to be entered, or start, a jai alai player or racing animal which he knows or believes to be ineligible or disqualified.

(2) Any animal whose owner or owners do not possess an occupational license shall be ineligible to participate in any race in this state.

Specific Authority 550.0251(3), 550.105(2)(b)(e), (4)(b), ~~550.2625(2)(d)~~ FS. Law Implemented 550.0251, ~~550.09514, 550.105, 550.235, 550.2625~~ FS. History—New 10-20-96, Amended _____.

61D-2.010 Photofinish Camera and Video Tape Requirement.

(1) through (2) No change.

(3)(a) Each permitholder must keep in a locked storage facility for a one-year period from the date of a race the following:

1. Photofinish photographs;
2. Films; and
3. Digital images and computer disks or tapes containing those digital images.

(b) Only the mutuels manager or his/her designee may have access to such locked storage facility.

~~(3) Each permitholder must keep photofinish photographs, films, digital images and computer disks or tapes containing same in a locked storage facility for a one year period from the date of the race. Only the mutuels manager or his designee may have access to such locked storage facility.~~

(4) No change.

(5) If a permitholder delegates the duty to create photofinish photographs or digital images to a licensed vendor, it may also delegate the duty to store and retrieve the photographs or images to that vendor, subject to the permitholder's vicarious liability for performance of these duties by the vendor as provided for in this section.

Specific Authority 550.0251(3), ~~550.2625(2)(d), 550.6305(5)~~ FS. Law Implemented ~~120.80, 550.0251, 550.0951(4), 550.155, 550.1645, 550.235, 550.2625~~ FS. History—New 10-20-96, Amended 12-15-97, _____.

61D-2.011 Post Position Drawing Requirement.

(1) Each permitholder conducting greyhound racing, thoroughbred racing or harness racing, shall ensure that the entries and post positions for each race are drawn by lot, and that the time and place for the drawing are posted in a conspicuous location where such notice can be observed by an ~~unrestricted~~ occupational licensee at least eight hours prior to the drawing. The eight-hour notice requirement will be waived by the division upon notice to the state steward or judge that a specific race has not been filled and that more time is needed before a drawing can occur. Any drawing conducted on a dark day must comply with the eight-hour notice requirement; however, the eight-hour notice requirement will be waived by the division on a dark day drawing where a specific race has not been filled and more time is needed before a drawing can occur. The division may file an administrative complaint against the permitholder or its agent for failure to notify the state steward or judge of a delay in the draw. However, the action must be requested by the state steward or judge and result from an inability of an occupational licensee to witness the draw due to improper notice. Failure to notify the state steward or judge of any delay in the draw will not result in administrative action against a permitholder or its agent unless an administrative complaint is requested from the Division by a state steward or judge because an unrestricted occupational licensee was unable to witness the draw due to improper notice and the Division concurs in the issuance of the complaint. All post position drawings ~~shall will~~ be open to any ~~unrestricted~~ occupational licensee who chooses to witness the draw.

(2) In greyhound racing, there shall be at least six greyhounds from different kennels entered in all purse races. No trainer, owner, or kennel shall have more than two greyhounds in any race with the exception of stakes. No two greyhounds from the same kennel shall be allowed to be entered until all single interests have been satisfied. When no single entry is available, a double entry may be selected. Multiple entries shall be uncoupled for wagering purposes.

Specific Authority 550.0251(3) FS. Law Implemented 550.0251 FS. History—New 6-12-97, Amended _____.

61D-2.012 Racing Animal Identification.

The paddock judge/horse identifier in horse racing and harness racing, and the paddock judge in greyhound racing shall be responsible for confirming the identity of each racing animal by reading the tattoo and verifying the markings on the animal. Each shall be responsible for ensuring the racing animal is properly blanketed and placed in the appropriate starting gate or starting box. No racing animal shall be permitted to be entered or started unless tattooed and a registration certificate is on file with the racing secretary.

Specific Authority 550.0251(3), 550.105(2)(b)(e), (4)(b), ~~550.2625(2)(d)~~ FS. Law Implemented 550.0251, ~~550.09514, 550.235, 550.2625~~ FS. History—New 10-20-96, Amended 12-15-97, _____.

61D-2.016 Altered Identification Exclusion.

If it is determined that a racing animal was knowingly entered and raced under a different name with an altered registration or altered tattoo, in this state or any other jurisdiction, that racing animal shall be denied all future access to race tracks under the supervision of the division.

Specific Authority 550.0251(3), ~~550.105(2)(e), (4)(b), 550.2625(2)(d)~~ FS. Law Implemented 550.0251, ~~550.09514, 550.235, 550.2625~~ FS. History—New 10-20-96.

61D-2.018 Pooling of Prize Money in Jai Alai Prohibited.

Any pooling or sharing of prize money or awards among jai alai players is prohibited.

Specific Authority 550.0251(3), ~~550.105(4)(b), (9)~~ FS. Law Implemented 550.0251, 550.105, 550.235 FS. History—New 10-20-96.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marsteller, Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Hearings Before Stewards/Judges	61D-3.001
Appeal Hearing Procedures	61D-3.002
Stay of Steward/Judges' Penalty	61D-3.003
Payment of Fines	61D-3.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to the conduct of proceedings before the judges and stewards officiating races at pari-mutuel facilities and procedures related to appeals of orders of judges and stewards.

SUMMARY: This proposed rule addresses amendments requiring notice to be provided to owners of animals in cases where a purse may be redistributed; amendments to procedures and forms in requesting an appeal of a judges' or stewards' ruling; procedures regarding the payment of fines and obtaining a stay pending an appeal.

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

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

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251, 550.0251(3), 550.054(9)(b), 550.1155, 550.1155(1), (2), 550.2415(7) FS.

LAW IMPLEMENTED: 120.80(4)(a), 550.0251, 550.054, 550.1155, 550.2415 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, January 20, 2006

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-3.001 Hearings Before Stewards/Judges.

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

(6) Prior to a hearing for an alleged medication or drug violation, where redistribution of the purse may be involved, the stewards or judges shall give timely notice to each owner who may be adversely affected by the purse redistribution of the date, time, and location of the hearing.

~~(7)(6)~~ Documents. Upon request to the stewards or judges, any respondent shall be entitled to obtain copies of all audio and video tapes, witness statements, and laboratory analysis. A respondent requesting production shall pay the actual cost of production of such material. A respondent shall also be entitled to the names and addresses of all witnesses and investigators with information relevant to the matter(s) to be heard by the stewards or judges.

~~(8)(7)~~ Subpoenas.

(a) Subpoenas to compel the attendance of witnesses at hearing shall be issued by the ~~d~~Division upon the request of a party, the stewards or judges. All requests for the issuance of subpoenas shall be directed to the stewards and judges and such requests shall be forwarded to the ~~d~~Division for issuance. The respondent requesting the subpoena shall pay all costs for the services of each subpoena.

(b) No change.

~~(9)(8)~~ Witnesses. All witnesses shall be sworn and subject to examination and cross-examination.

~~(10)(9)~~ Conduct of Hearing/Evidence.

(a) through (c) No change.

~~(11)(10)~~ Recordation. The stewards and judges shall assure that a record of the proceedings is preserved. Proceedings shall be recorded by audio tape. Any respondent to a hearing may, at his/her own expense, provide a certified court reporter. Any respondent who wishes to make a written transcript of the taped testimony shall request a copy of the taped testimony and transcribe the same at his/her own expense.

~~(12)(11)~~ Representation. A respondent in any proceeding conducted before stewards and judges may be represented by an attorney admitted to practice law in Florida or by any qualified representative as defined in Rule 28-5.1055, Florida Administrative Code, who agrees to comply with the requirements of Rule 28-5.1056, Florida Administrative Code. After written notice of appearance that a respondent is being represented by an attorney or qualified representative, all communications to a respondent concerning the case shall also be made to the respondent's attorney or representative, and the respondent's attorney or representative shall be entitled to exercise the rights granted to the respondent under these rules.

~~(13)(12)~~ Service of Notices of Violation and Hearing.

(a) through (b) No change.

~~(14)(13)~~ Service of Papers. Unless the stewards or judges otherwise order, every paper filed in a proceeding, except Notices of Violation and Hearing (as provided for in subsection ~~(14)(13)~~ above) and requests for witness subpoenas, shall be served on each respondent. Service shall be made upon the respondent or his representative by delivering a copy or by mailing it to the last known address.

~~(15)(14)~~ Continuances. The stewards or judges shall grant a continuance of a hearing for good cause shown. In deciding whether good cause is shown, the judges and stewards must consider whether the reason given by the licensee for requesting a continuance is an event out of the licensee's control, such as the death of an immediate family member. Requests for continuance shall be made in writing.

~~(16)(15)~~ Computation of Time. In computing any period of time prescribed or allowed by these rules or by any applicable statute, the day of the act from which the designated

period of time begins to run shall not be included. Five days shall be added to prescribed time limits when service is made by mail.

~~(17)(16)~~ Disqualification. Unless good cause is shown, all motions for disqualification of stewards or judges shall be made to the Division in writing at least five days prior to the date scheduled for hearing. In deciding whether good cause is shown, the Division must consider whether the reason given by the licensee for not meeting the five-day limitation is an event out of the licensee's control, such as the death of an immediate family member.

~~(18)(17)~~ Orders. An order shall be entered by the stewards or judges within fourteen (14) days after the hearing. The order shall include a caption, time and place of the hearing, findings of facts, statement of rules or statutes violated and a ruling.

Specific Authority 120.80(4)(a), 550.0251, 550.1155 FS. Law Implemented 120.80(4)(a), 550.0251, 550.1155 FS. History—New 10-20-96, Amended 12-15-97, _____.

61D-3.002 Appeal Hearing Procedures.

(1) The stewards, judges, or panel of judges shall include in their decision a notice to the licensee of the licensee's right to an appeal hearing before ~~to~~ the division director or his/her designee. In addition, the stewards, judges, or panel of judges shall provide the licensee with the procedures and time limits for invoking the right to an appeal. All requests for appeal hearings must be submitted in writing or on Form DBPR PMW-3100, ~~BPR—15-016~~, Request for Appeal of Stewards/Judges' Ruling Hearing, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. The request for hearing must provide the reason for the request and be signed by the requesting party. The requesting party, however, is not barred from raising issues on appeal not included on Form DBPR PMW-3100 ~~BPR-15-016~~.

(2) Failure of the licensee to file a request for an appeal hearing within 10 days of the decision of the stewards, judges or panel of judges constitutes a waiver of the right to an appeal hearing. The request for an appeal shall state in writing the reason the licensee believes the judges' or stewards' order should be reversed.

(3) Appeal hearings may be conducted ~~by the division~~ either in person or telephonically ~~and must be conducted within 90 days of the parties' request for an appeal.~~

(4) In the event the stewards, judges, or panel of judges make a determination that there is a reasonable suspicion to believe that a violation of Section 550.2415, Florida Statutes, has occurred, or in the event of a positive test for a substance prohibited under Section 550.2415, Florida Statutes, any purse money in question which has not been disbursed shall be placed on account with the permitholder's comptroller. In the event that any purse money has been distributed, all individuals to whom the purse money has been directly distributed shall place monies equal to the amount received from the purse in a segregated interest bearing account in a

recognized financial institution, and shall notify the division of the location ~~whereabouts~~ of the account. The monies shall remain in the account until final disposition of the case, at which time control of the monies shall be returned to the original individuals; or if a violation is proved, the monies shall be transmitted to the permitholder for redistribution.

(5) Failure ~~of a party~~ to appear for an appeal hearing scheduled and noticed ~~by the division~~ shall constitute a waiver of the right to such a hearing.

(6) Nothing in this rule shall divest the division of its authority to initiate action for alleged violations of Chapter 550, Florida Statutes, ~~and upon its own motion, the division shall have the right to appeal a ruling of the judges and stewards if the judges and stewards have exceeded their jurisdiction or departed from essential requirements of law.~~ If the ~~d~~Division determines that the stewards or the judges have exceeded their jurisdiction or departed from the essential requirements of law it shall void their decision and either enter a decision for the licensee or shall prosecute the alleged violation itself with the respondent receiving rights to an ~~Section 120.57~~ administrative hearing pursuant to Section 120.57, Florida Statutes.

(7) Upon conclusion of the appeal hearing, the division director may remand the matter to the stewards/judges with directions for an appropriate disposition of the case under the pari-mutuel statutes or rules.

Specific Authority 120.80(4)(a), 550.0251, 550.054(9)(b), 550.1155 FS. Law Implemented 120.80(4)(a), 550.0251, 550.054, 550.1155 FS. History—New 10-20-96, Amended 1-5-98,_____.

61D-3.003 Stay of Stewards'/Judges' Penalty.

(1) A request for an appeal hearing following a stewards'/judges' ruling shall not automatically stay the decision of the stewards/judges regarding the penalty imposed. Any request for a stay of the penalty imposed shall specify the reasons supporting the issuance of a stay. The licensee's request for a stay must be in writing or on Form DBPR PMW-3090 BPR Form 15-015, Request For Stay ~~and Waiver of Right to 14 Day Notice~~, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. The division, however, shall not give less than seven (7) days notice of hearing unless waived by the licensee requesting the appeal.

(2) Any party desiring a stay of stewards'/judges' ruling shall first seek the stay from the stewards/judges, who shall grant or deny the stay based on the following considerations: ~~The stewards/judges shall consider~~ the severity of the violation, prior disciplinary history, the likelihood of the requesting party prevailing on appeal, the safety of the public, and the safety of the pari-mutuel wagering participants and racing animals ~~in determining whether to grant or deny the stay.~~ Provided, however, that If the order appealed ~~from~~ has the effect of suspending a license, a stay shall be granted as a matter of right upon reasonable ~~such~~ conditions ~~as are reasonable~~, unless the stewards determine that a stay of penalty

would constitute a probable danger to the state's regulation of the pari-mutuel industry. The decision of the stewards/judges shall be in writing and shall be transmitted to the division and the parties within 5 days from the date ~~of~~ the request for stay is received by the stewards/judges.

(3) If the stewards/judges do not grant a stay of the penalty, the party is entitled to seek a stay from the ~~d~~Division. The division and the Division shall grant or deny the stay based on the following considerations: ~~The Division shall consider~~ the severity of the violation, the number of times the party requesting the stay has violated the same rule or statutory provision, the likelihood of the requesting party prevailing on appeal, the safety of the public, and the safety of the pari-mutuel wagering participants and racing animals ~~in determining whether to grant or deny the stay.~~ Provided, however, that If the order appealed ~~from~~ has the effect of suspending a license, a stay shall be granted as a matter of right upon reasonable ~~such~~ conditions ~~as are reasonable~~, unless the ~~d~~Division determines that a stay of penalty would constitute a probable danger to the state's regulation of the pari-mutuel industry.

Specific Authority 120.80(4)(a), 550.0251(3), 550.1155(1) FS. Law Implemented 120.80(4)(a), 550.0251, 550.1155 FS. History—New 10-20-96, Amended 1-5-98,_____.

61D-3.004 Payment of Fines.

All civil penalties imposed by the stewards/judges must be paid within 15 days of the ruling. However, the period of time for payment may ~~shall~~ be extended only by the stewards/judges, ~~only once~~ for no more than 15 days for good cause shown (herein defined as a showing of inability to meet the abovementioned deadline due to pecuniary distress), ~~and, if an appeal is requested taken,~~ the conditions for a stay set forth in Rule 61D-3.003(2), Florida Administrative Code, must be ~~are~~ met.

Specific Authority 120.80(4)(a), 550.0251(3), 550.054(9)(b), 550.1155(1), (2), 550.2415(7) FS. Law Implemented 120.80(4)(a), 550.0251, 550.054, 550.1155, 550.2415 FS. History—New 10-20-96, Amended 1-5-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David J. Roberts, Director, Division of Pari-Mutuel Wagering
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Simone Marstiller, Secretary,
Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 14, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Cost of Investigation	61D-4.001
Evaluating a Permit Application for a Pari-Mutuel Facility	61D-4.002
Application for Lease Addendum to Permit	61D-4.003
Application for Annual Racing License	61D-4.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to forms for applications for pari-mutuel permits, leasing of facilities and annual racing licenses.

SUMMARY: This proposed rule addresses revisions to forms and rules regarding the investigation of an applicant for a permit to conduct pari-mutuel wagering and for authorization to lease premises for the conduct of pari-mutuel wagering. The provisions also add a new rule to formalize the use of the form under which pari-mutuel permitholders apply for annual racing licenses.

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

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

SPECIFIC AUTHORITY: 550.0251(3), 550.054(5), (8)(b), 550.155(1), 550.1815 FS.

LAW IMPLEMENTED: 550.0115, 550.01215, 550.0251, 550.054, 550.0951, 550.155, 550.1815, 550.475, 550.5251 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, January 20, 2006

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-4.001 Cost of Investigation.

The applicant for a pari-mutuel wagering permit, other than an application involving a transfer of a permit from one licensed permitholder to another licensed permitholder or a transfer of a permit to an entity exclusively composed of ownership interests that have been approved under the provisions of Sections 550.054 and 550.1815, Florida Statutes, shall submit a cashier's check with the initial application to cover the anticipated costs of the investigation. The initial deposit shall be in the amount of \$15,000. ~~The costs of investigation will vary widely depending on the complexity of each individual permit application.~~

Specific Authority 550.0251(3), 550.054(8)(b), 550.1815(5) FS. Law Implemented 550.0251, 550.054, 550.1815 FS. History–New 10-20-96, Amended _____.

61D-4.002 Evaluating a Permit Application for a Pari-Mutuel Facility.

An applicant for a Florida Pari-Mutuel Facility permit shall submit a Form DBPR PMW-3010 BPR 10-002, Permit Application, a Form DBPR PMW-3030 BPR 10-003, Personal History Record, adopted and a Form BPR 10-004, Request for Release of Information and Authorization to Release Information, all incorporated by Rule 61D-10.001, Florida Administrative Code, and a Form DBPR 0100, Request for Release of Information and Authorization to Release Information.

(1) through (2) No change.

(3) A pari-mutuel wagering permitholder who transfers an ownership or equity interest in its permit to another licensed pari-mutuel wagering permitholder or who transfers a permit to an entity exclusively composed of ownership interests that have been approved under the provisions of Sections 550.054 and 550.1815, Florida Statutes, must file Form DBPR PMW-3040 BPR 10-011, Permit Transfer Application From One Existing Permitholder To Another Permitholder, with the Division and does not have to submit Form BPR 10-002, Permit Application, Form BPR 10-003, Personal History Record, and Form BPR 10-004, Request for Release of Information and Authorization to Release Information, all incorporated by Rule 61D-10.001, Florida Administrative Code.

Specific Authority 550.054(5), 550.155(1), 550.1815(5) FS. Law Implemented 550.0251, 550.054, 550.0951, 550.155, 550.1815 FS. History–New 10-20-96, Amended 12-15-97, _____.

61D-4.003 Application for Lease Addendum to Permit.

When applying for a lease addendum to a permit, the applicant shall submit both a copy of the lease agreement and a letter containing the following information to the Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, care of the Division Clerk. The letter shall contain:

- (1) The name of the applicant and the lessor;
- (2) The address of the applicant and the lessor;
- (3) The type of permit held by the applicant and the lessor;
- (4) The exact location where the applicant is currently permitted to conduct pari-mutuel performances;
- (5) The exact location where the lessor is currently permitted to conduct pari-mutuel performances; and
- (6) The exact location where the applicant intends to conduct pari-mutuel performances pursuant to the lease agreement.

Specific Authority 550.0251(3) FS. Law Implemented 550.0251, 550.475 FS. History--New_____.

61D-4.004 Application for Annual Racing License.

(1) Any permitholder authorized to submit an application for an annual license to conduct races or games pursuant to Section 550.0115, Florida Statutes, shall make such application to the division on Form DBPR PMW-3060, Permitholder Application for Annual License and Operating Dates, and Form DBPR PMW-3080, Permitholder Calendar, both adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, and Form DBPR 0040, Officers and Directors, during the period between December 15 and January 4 for performances to be conducted during the next state fiscal year.

(2) Any request to amend racing dates submitted to the division shall include documentation from permitholders located within 50 miles of the applicant indicating whether they object to the issuance of an amended license.

Specific Authority 550.0251(3) FS. Law Implemented 550.0115, 550.01215, 550.5251 FS. History--New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David J. Roberts, Director, Division of Pari-Mutuel Wagering
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Occupational Licensure	61D-5.001
Possession of a License	61D-5.002
Applications for Licensure; Fingerprint Requirements; Exemptions from Fingerprinting	61D-5.003
Temporary Occupational Licenses	61D-5.004
Exemptions to Occupational Licensing Requirements	61D-5.005
Waiver of Criminal Convictions or Other Offenses	61D-5.006
Basis for Denial or Cancellation of License	61D-5.007

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to the forms for the application for a pari-mutuel license and regulations regarding use of a pari-mutuel license.

SUMMARY: This proposed rule addresses revisions to forms for applications for pari-mutuel occupational licenses and incorporation of those forms within the rules; amendments regarding the requirements for display of licenses and revisions of rules to conform to current statutory classification of licenses; providing for persons over 70 years of age to obtain background information checks from FDLE; amendments to rules implementing provisions related to temporary licenses; requiring permitholder security to maintain a list of unlicensed employees working in restricted areas; and revisions related to forms for the application of a waiver of criminal convictions and the cancellation of voluntarily relinquished licenses.

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

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

SPECIFIC AUTHORITY: 550.0251(3), 550.105(2)(b), (6), (10) FS.

LAW IMPLEMENTED: 550.0251, 550.105, 559.79 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, January 20, 2006

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-5.001 Occupational Licensure.

(1)(a) The permitholder ~~shall provide~~ ~~will make available~~ to the division the weekly payroll without compensation amounts for verification that all persons working at a permitholder's facility are licensed.

(b) The permitholder shall provide a weekly list of persons whose employment with the permitholder has been terminated, resigned or abandoned.

(2) Any person desiring an occupational license pursuant to Chapter 550, Florida Statutes, shall pay the appropriate occupational and fingerprint fees ~~and costs~~ as set forth by Section 550.105, Florida Statutes, and shall file with the division a completed Fform DBPR PMW-3120, Individual Occupational License Application BPR 15-027, or DBPR PMW-3130, Business Occupational License Application, BPR 15-028 for either an Individual Occupational License Application or a Business Occupational License Application, respectively; all adopted and incorporated by Rule 61D-10.001, Florida Administrative Code.

(3) All occupational application and fingerprint fees are nonrefundable, except in situations where the applicant was charged in error.

(4) Application forms may be obtained and filed at each pari-mutuel facility in Florida or ~~from~~ the Division of Pari-Mutuel Wagering, Licensing Section, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-1037. Applicants shall use the following forms adopted and incorporated by Rule 61D-10.001, Florida Administrative Code:

(a) Business Occupational License Application shall be made on Form DBPR PMW-3130, Business Occupational License Application BPR Form 15-028.

(b) Individual Occupational License Application shall be made on Form DBPR PMW-3120, Individual Occupational License Application BPR Form 15-027.

(c) Request for Waiver shall be made on Form DBPR PMW-3180, Request for Waiver BPR Form 15-022.

(d) Request to Upgrade License shall be made on Form DBPR PMW-3170, Upgrade License Application. Request for Duplicate License shall be made on BPR Form 15-024.

(5) License application forms and fingerprint cards produced by and submitted through the Association of Racing Commissioners International (ARCI) or the National Racing Compact (NRC) under the Federal Pari-Mutuel Licensing Act of 1988 will be accepted by the division.

Specific Authority 550.0251(3), 550.105(+), (2)(b), (10)(9) FS. Law Implemented 550.0251, 550.105 FS. History—New 10-20-96, Amended 12-15-97, _____

61D-5.002 Possession of a License.

(1) Unless exempted in paragraph (2) of this rule, when on the grounds of a permitholder, licensees a licensee shall conspicuously wear their have on the licensee's person a current Form BPR 15-029, Pari-Mutuel Wagering Occupational License, ~~incorporated by Rule 61D-10.001, Florida Administrative Code, or a current Form BPR 15-010, Interim License, incorporated by Rule 61D-10.001, Florida Administrative Code,~~ issued by the division ~~or a permitholder issued photo identification with the division's current license validation sticker affixed.~~

(2) When performing their pari-mutuel occupations, the following persons shall retain on the permitholder's premises only be required to have their current license, license receipt, or identification specified in paragraph (1) accessible in the permitholder's premises:

- (a) Jockeys;
- (b) Jai alai players;
- (c) Jai alai judges;
- (d) Harness drivers; ~~and~~
- (e) Exercise persons; ~~and~~
- (f) Leadouts.

(3) ~~The division's validation sticker for permitholder issued photo identifications shall be designated as follows:~~

(a) ~~"R," meaning that the occupational licensee is not allowed access to restricted areas of the permitholder's premises;~~

(b) ~~"U," meaning that the occupational licensee is granted access to restricted areas of the permitholder's premises associated with racing animals, jockeys, drivers, or jai alai players; and~~

(4) ~~Only the division may affix a validation sticker to a permitholder or totalisator company issued photo identification. Validation stickers are not transferrable between individuals.~~

Specific Authority 550.0251(3), 550.105(2)(b), ~~(6)(5)~~, ~~(10)(9)~~ FS. Law Implemented ~~550.0251~~, 550.105 FS. History--New 10-20-96, Amended 12-15-97, _____.

61D-5.003 Applications for Licensure; Fingerprint Requirements; Exemptions from Fingerprinting.

(1) through (b) No change.

(c) A sworn law enforcement or corrections officer certified pursuant to Section 943.1395, Florida Statutes, who provides the division evidence of current certification from the Florida Criminal Justice Standards and Training Commission; ~~and~~

(d) An applicant who has been granted a diplomatic status by the United States Government; ~~and-~~

(e) An applicant who is 70 years of age or older. Applicant 70 years of age or older must instead submit \$23 for a background information records check through the Florida Department of Law Enforcement.

Specific Authority 550.0251(3), 550.105(2)(b), ~~(10)(9)~~ FS. Law Implemented 550.105 FS. History--New 10-20-96, Amended _____.

61D-5.004 Temporary Occupational Licenses.

(1) A temporary license can be obtained on behalf of a greyhound owner, horse owner, ~~or~~ stable name, or kennel name upon submission to the division of ~~a Form DBPR PMW-3110, Animal Owners Temporary License Application, BPR Form 15-026, Temporary License Agreement, adopted and~~ incorporated by Rule 61D-10.001, Florida Administrative Code, the license fee, and the fingerprint fee if required, by the horse owner's licensed trainer, or by the greyhound's owner's licensed kennel owner/operator or trainer. The division shall issue the temporary license if the division verifies that the owner is in good standing in Florida and in all racing jurisdictions.

(a) No change.

(b) A temporary license for an owner is valid for no more than 30 ~~thirty~~ calendar days from the date of issuance. A one ~~1~~-year or three ~~3~~-year license will be processed upon completion of the licensure ~~licensing~~ requirements by the owner.

(c) If the owner fails to complete the licensure ~~licensing~~ process within 30 calendar days from the date the temporary license is issued, the temporary license shall expire and the owner's animals shall ~~are~~ not be eligible to participate in a pari-mutuel race.

(d) If the owner completes the licensure ~~licensing~~ process after the 30-day temporary license has expired, a license shall ~~will~~ be processed for the remaining portion of the same licensing year. In the case of a three ~~3~~-year license, the license will be processed for the remaining portion of the three-year term.

(2) Any applicant who fails to complete the licensure ~~licensing~~ process upon being issued a temporary license shall not be issued another temporary license until the licensee has, at least once, satisfactorily completed the licensure ~~licensing~~ process.

Specific Authority 550.0251(3), 550.105(2)(b), ~~(6)(5)~~ FS. Law Implemented 550.0251, 550.105 FS. History--New 10-20-96, Amended 12-15-97, _____.

61D-5.005 Exemptions to Occupational Licensing Requirements.

(1) through (c) No change.

(d) Upon adequate proof provided to the division, shareholders, who otherwise would be required to have an occupational license, owning less than ten percent (10%) of the outstanding stock or equity interest of any entity licensed by the division, will not be required to have such a license merely by their connection to a company. Such a shareholder shall not be granted access to any restricted area of a pari-mutuel wagering facility by virtue of their ownership interest without having obtained a pari-mutuel occupational license.

(2) Permitholder security shall maintain a list of unlicensed persons working in restricted and unrestricted areas on the permitholder premises. Said list shall be available at all times for review by division personnel. Security shall be responsible for the issuance of passes to enter restricted areas and shall maintain a list of persons receiving passes under this rule. All passes to restricted areas shall contain a beginning and ending date of validity and shall state the work hours during which access to restricted areas is allowed. Unlicensed persons working in restricted areas of the permitholder facility shall be in possession of a valid pass issued by permitholder security.

Specific Authority 550.0251(3), 550.105(2)(b), ~~(10)(9)~~ FS. Law Implemented 550.0251, 550.105, 559.79 FS. History--New 10-20-96, Amended _____.

61D-5.006 Waiver of Criminal Convictions or Other Offenses.

(1) Any applicant for an occupational license who is subject to denial on the basis of a criminal conviction or discipline by any racing jurisdiction may seek a waiver from the division director. The applicant shall submit Form DBPR PMW-3120, Individual Occupational License Application ~~an Individual Occupational License Application BPR Form 15-027, adopted and~~ incorporated by Rule 61D-10.001, Florida Administrative Code, the annual license fee and fingerprint fee, a complete set of fingerprints on a card supplied by the division, and Form DBPR PMW-3180, Request for Waiver ~~a Request for Waiver BPR Form 15-022, adopted and~~ incorporated by Rule 61D-10.001, Florida Administrative Code. The applicant shall ~~must~~ also schedule a waiver interview with the Office ~~Bureau~~ of Investigations. Failure to participate in a waiver interview or to disclose any pertinent information regarding criminal convictions, or discipline by

any racing rulings, revocations or denials from other jurisdictions shall will result in a denial of the request for waiver.

(2) The applicant shall must establish proof of rehabilitation and must demonstrate present good moral character. The waiver applies to criminal convictions or discipline by any racing jurisdiction enforcement actions disclosed to the division, unless revoked by the division for violation of Chapter 550, Florida Statutes, or these rules.

(3) No applicant for a waiver shall will be allowed to work in any capacity as an occupational licensee until a license is issued based upon a waiver, is granted by the director.

Specific Authority 550.0251(3), 550.105(2)(b), (10)(9) FS. Law Implemented 550.0251, 550.105 FS. History--New 10-20-96, Amended 12-15-97,_____.

61D-5.007 Basis for Denial or Cancellation of License.

A licensee may relinquish his or her license for cancellation by the division by either submitting a written request to relinquish an active occupational license accompanied by the license that the licensee is requesting to have canceled or by directly surrendering the license to a division investigator or chief inspector must be filed with the division before the license will be canceled. If a licensee surrenders his or her license to a division investigator or chief inspector for cancellation, the investigator or chief inspector shall provide the licensee with a written statement that it was surrendered for the purpose of cancellation to the Licensing Section of the division.

Specific Authority 550.0251(3), 550.105(2)(b), (10)(9) FS. Law Implemented 550.0251, 550.105 FS. History--New 10-20-96, Amended 12-15-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Purpose for Rules; Definitions Related to	
Drugs and Medications	61D-6.001
General Duties and Responsibilities	61D-6.002
Procedures Relating to Split Samples	61D-6.006
Permitted Medications for Racing Greyhounds	61D-6.007
Veterinarians	61D-6.009
Penalty Guidelines for Class I - V	
Drug Violations	61D-6.011

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to forms and procedures related to the use of medication in racing animals.

SUMMARY: This proposed rule addresses references to forms that are being incorporated in the rules. Some forms are being revised and a new form is being created for the identification of the trainer of record. Rules regarding notice of positive tests that may result in purse redistribution to owners are being deleted so they may be moved to rules regarding procedures for stewards' and judges' hearings.

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

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

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251(3), (11), 550.155(1), 550.2415(2), (5), (8), (9), (13), (14), (16) FS.

LAW IMPLEMENTED: 120.80(4)(a), 550.0251, 550.1155, 550.155, 550.235, 550.2415, 550.2415(14) FS.

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

TIME AND DATE: 10:00 a.m. - 12:00 Noon, January 20, 2006

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-6.001 Purpose for Rules; Definitions Related to Drugs and Medications.

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

(b) "Furosemide (~~Lasix~~) List" means the division's official list of racing horses approved for racing with furosemide in Florida.

(c) through (f) No change.

Specific Authority 550.0251(3), 550.2415(13) FS. Law Implemented 550.0251, 550.2415 FS. History--New 10-20-96, Amended 6-6-00, _____.

61D-6.002 General Duties and Responsibilities.

(1) The trainer of record shall be responsible for and be the absolute insurer of the condition of the horses or racing greyhounds, he/she enters to race. Trainers, kennel owners and operators are presumed to know the rules of the division. The trainer of record shall be identified on Form DBPR PMW-3360, Kennel Personnel Roster, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, which the trainer shall provide to the chief inspector and racing secretary at any track where the trainer enters racing animals in pari-mutuel races.

(2) No change.

Specific Authority 120.80(4)(a), 550.0251(3), 550.2415(2), (13) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History--New 10-20-96, Amended 12-15-97, _____.

61D-6.006 Procedures Relating to Split Samples.

The following procedures shall be followed when requesting a portion of an official sample for analysis at another laboratory:

(1) Requests shall be made in writing or on Form DBPR PMW-3290 BPR-13-005, Notification to Stewards/Judges of Split Sample Request, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, and shall be submitted to the division's steward or judge by certified mail, return receipt, or by hand delivery, within 10 calendar days after the trainer or owner has received written notification of the ~~division's laboratory~~ results of the laboratory under contract with the division from the stewards or judges or the division's ~~Office Bureau~~ of Investigations.

(2) No change.

(3) Failure to request a split sample or failure to select and make arrangements, including payment for services, with an approved laboratory within 10 calendar days after receiving written notification from the ~~Office Bureau~~ of Investigations, stewards or judges, of the ~~division's laboratory~~ results from the laboratory under contract with the division shall constitute a waiver of the right to a split sample.

(4) Whenever a split sample is requested, the stewards or judges shall promptly notify the ~~Office Bureau~~ of Investigations, which in turn shall notify the ~~division's~~ laboratory under contract with the division of the request, identifying only the number on the sample container from which the split sample is to be taken, and the laboratory which

has been selected. The ~~division's~~ laboratory under contract with the division shall send the split sample to the laboratory selected within 10 calendar days of receiving the request.

(5) No change.

(6) If the approved independent laboratory confirms the ~~division laboratory's~~ findings of the laboratory under contract with the division, the division is authorized to proceed with administrative action against any affected licensees pursuant to this chapter and the Florida Statutes. If a request for a split sample is made and there is an insufficient quantity of the official sample remaining for analysis by the approved independent laboratory, the division may still proceed with administrative action against any affected licensees based upon the ~~division laboratory's~~ findings of the laboratory under contract with the division, provided that the division has made a good faith effort to obtain and retain a sufficient quantity of sample during collection and testing of the sample.

~~(7) Prior to a hearing for a positive or overage where redistribution of the purse may be involved, the stewards or judges shall give timely notice to each owner who may be adversely affected by the purse redistribution of the date, time, and location of the hearing.~~

Specific Authority 120.80(4)(a), 550.0251(3), (11), 550.2415(5), (13) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History--New 10-20-96, Amended 12-15-97, _____.

61D-6.007 Permitted Medications for Racing Greyhounds.

The following medications are permitted to be administered to racing greyhounds in the dosages and under the conditions listed below:

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

(3) The detection of caffeine at a urinary concentration less than 200 ~~nanograms~~ nanograms per milliliter and/or its metabolites, theophylline and theobromine at a urinary concentration less than 400 ~~nanograms~~ nanograms per milliliter shall not be reported by the racing laboratory to the division as a violation of Section 550.2415, Florida Statutes.

(4) No change.

Specific Authority 120.80(4)(a), 550.0251(3), (11), 550.2415(13), (16) FS. Law Implemented 120.80(4)(a), 550.0251, 550.2415 FS. History--New 10-20-96, Amended 6-6-00, 6-6-04, _____.

61D-6.009 Veterinarians.

(1) through (d) No change.

(e) Work with the Salix lasix coordinator;

(f) through (g) No change.

(h) Inspect stables and greyhound compound areas for general health and safety requirements and report any problems to the stewards/judges and ~~division Bureau of Operations~~ regional managers;

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

(5) Practicing equine veterinarians shall make daily reports to the division veterinarian of all medications or drugs that are prescribed or administered by them to horses within 48

hours of the officially scheduled post time of the race in which such animal is entered. Such reports shall be submitted on Form DBPR PMW-3050 BPR Form 15-002, Veterinary Report of Medication, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code.

(6) through (10) No change.

Specific Authority 120.80(4)(a), 550.0251(3), (11), 550.155(1), 550.2415(13) FS. Law Implemented 120.80(4)(a), 550.0251, 550.155, 550.2415 FS. History—New 10-20-96, Amended 12-15-97, _____.

61D-6.011 Penalty Guidelines for Class I – V Drug Violations.

(1) The presence of a Class I – V foreign substance, as defined by the Uniform Classification Guidelines for Foreign Substances (current edition) revised January 7, 2000, as promulgated by the Association of Racing Commissioners International, Inc., in the bodily fluids of an animal collected either immediately prior to or immediately after the racing of that animal constitutes a violation of Chapter 550, Florida Statutes. The Uniform Classification Guidelines for Foreign Substances (current edition) revised January 7, 2000, as promulgated by the Association of Racing Commissioners International, Inc., is hereby incorporated and adopted by reference. A copy of this document may be obtained by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

(2) Pursuant to Rule 61D-6.002, Florida Administrative Code, the trainer of record is the absolute insurer of the condition of an animal he or she enters to race. Consequently, when evidence of the presence of an impermissible substance, or substances, is presented either to the ~~d~~Division or to a panel of stewards or judges, the ~~d~~Division or the stewards or judges, absent aggravating or mitigating circumstances, must impose on the trainer of record one or more of the following penalties in accordance with the class of impermissible substance. Provided, however, that any discipline imposed by the stewards or judges shall not exceed their authority pursuant to Section 440.1155, Florida Statutes.

(a) through (3) No change.

Specific Authority 550.0251(3), 550.2415(13), (14) FS. Law Implemented 550.0251, 550.1155, 550.2415(14) FS. History—New 1-5-98, Amended 2-8-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Definitions	61D-7.001
Calculation of Payout and Distribution of Pools – General	61D-7.002
Pick (N) Pools	61D-7.014
Trifecta and Superfecta Combinations	61D-7.015
Mutuels Tickets, Cashing, Records, and Totalisator Security Requirements	61D-7.021
Outs Cashed After the End of the Meet	61D-7.022
Reporting of Wagering Activities, Permitholder and Totalisator Reports	61D-7.023
Totalisator Requirements	61D-7.024

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of pari-mutuel wagering activity on pools and totalisator reports.

SUMMARY: This proposed rule addresses amendments to the existing rules to appropriately reference revised forms for reporting of pari-mutuel and totalisator activity.

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

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

SPECIFIC AUTHORITY: 550.0251(3), (7), 550.125(2)(b), 550.155(1), 550.1645(1), 550.495(4), (5), 550.6305(5) FS.

LAW IMPLEMENTED: 550.0251, 550.125, 550.155, 550.1645, 550.2633, 550.3551, 550.495, 550.6305 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, January 20, 2006

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech

impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-7.001 Definitions.

(1) through (22) No change.

(23) "Malfunction" "~~Malfunction~~" shall mean any impairment of the totalisator functions or loss in communication between the host and the guest entities which causes:

(23)(a) through (52) No change.

Specific Authority 550.0251(3), (7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History--New 10-20-96, Amended 12-15-97, 9-19-04,_____.

61D-7.002 Calculation of Payout and Distribution of Pools – General.

(1) through (12)(c) No change.

(d) Any jai alai permitholder electing to offer the re-bet shall, on the Form DBPR ~~PMW-3520 Form 14-005~~, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, indicate the games and wagers upon which the re-bet shall be offered and how long the re-bet period will last.

Specific Authority 550.0251(3), (7), 550.155(1), 550.125(2)(b), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.6305 FS. History--New 10-20-96, Amended 12-15-97,_____.

61D-7.014 Pick (N) Pools.

(1) through (11) No change.

(12) The permitholder may guarantee the Pick (N) jackpot up to the designated cap. The permitholder shall inform the division in writing at the beginning of the meet via the Form DBPR ~~PMW-3520, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, 14-005~~ and at least 5 working days prior to exercising this option. The value needed to meet the guaranteed amount shall be added to the jackpot when it is won and included in the totalisator price calculations.

Specific Authority 550.0251(3), (7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History--New 10-20-96, Amended 12-15-97,_____.

61D-7.015 Trifecta and Superfecta Combinations.

(1) through (17)(c)4. No change.

(d) The decision of how the forced payout will be managed under these conditions must be submitted to the division prior to the meet along with other Jackpot related

wagering information on Form DBPR ~~PMW-3520 BPR Form 14-005~~, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code.

(18) through (22) No change.

Specific Authority 550.0251(3), (7), 550.155(1) FS. Law Implemented 550.0251, 550.155 FS. History--New 10-20-96, Amended 9-19-04,_____.

61D-7.021 Mutuels Tickets, Cashing, Records, and Totalisator Security Requirements.

(1) through (10)(c) No change.

(d) For tickets which values would escheat to the state or breeders' association, the transactions for the list provided per paragraph (10)(a) and (b) shall be recorded on Form DBPR ~~PMW-3630 BPR Form 14-034~~, Tickets Purchased and Cashed by the Totalisator Company, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. The form shall be attested to by signature by the totalisator manager and Mutuels Manager, and is subject to audit. A copy of this report, along with any tote produced cashing reports, shall be submitted to the division within 30 days of the end of each live meet period. The following criteria shall be applicable as part of the audit criteria:

1. through (12)(c) No change.

(13) The permitholder may authorize specific individuals and visitors to have access to the room or facility housing totalisator computers. A list of currently licensed individuals authorized to have access to the totalisator room shall be posted at all tote room entrances and submitted annually to the division along with Form DBPR ~~PMW-3520 BPR Form 14-005~~, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. Any additions or deletions to the list shall be posted to reflect any employee who is authorized to enter the totalisator room. The division must be notified of any additions or deletions to the list within 10 days.

(13)(a) through (15) No change.

Specific Authority 550.0251(3), (7), 550.155(1), 550.495(4), (5) FS. Law Implemented 550.0251, 550.155, 550.2633, 550.3551, 550.495 FS. History--New 10-20-96, Amended 12-15-97, 9-19-04, 3-20-05,_____.

61D-7.022 Outs Cashed After the End of the Meet.

(1) through (7) No change.

(8) Where the value of the outs is payable to the state a report of escheated outs shall be prepared on Form DBPR ~~PMW-3510 BPR Form 14-001~~, Report of Escheated Outs, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, and submitted to the division 1 year and 60 days after the end of the meet. Supporting documentation required on Form DBPR ~~PMW-3510 BPR Form 14-001~~ shall be attached.

(9) through (11) No change.

Specific Authority 550.0251(3), (7), 550.155(1), 550.1645(1), 550.495(4), (5) FS. Law Implemented 550.0251, 550.155, 550.1645, 550.2633, 550.495 FS. History--New 10-20-96, Amended 12-15-97, 9-19-04,_____.

61D-7.023 Reporting of Wagering Activities, Permitholder and Totalisator Reports.

~~(1) The permitholder Mutuels Manager shall be provided for review, copies of the information included on BPR Form 14-015, Distribution of Pari Mutuel Handle, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, for all on track wagering, and BPR Form 14-016, Distribution of Intertrack Handle, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, for all intertrack wagering. These reports are submitted separately for each performance by the state personnel at each hub. Host tracks shall have separate reports for on track ("live") handle and intertrack handle.~~

~~(1)(2)~~ The totalisator licensee shall be responsible for the correctness of all tote produced mutuel accounting reports. The Mutuels Manager shall be responsible for the correctness of the non-totalisator mutuel department accounting reports.

~~(2)(3)~~ For each contest within each performance the following totalisator reports shall be produced for each site:

(a) through (d)10. No change.

~~(3)(4)~~ For each contest and performance, a summary of the calculations report as described in paragraph ~~(2)(3)~~ shall be produced. The report shall include a recapitulation by type of pool. At intertrack hosts, a summary by type of pool, type of handle and site shall be produced. At Florida interstate hosts, a summary by type of pool, type of handle and site shall be produced.

~~(4)(5)(a)~~ For each contest and performance, a liability report shall be produced. The liability report shall include a recapitulation pool by race and summaries thereof (1. Win, Place, Show, 2. Feature pools, and 3. Combined). At intertrack or interstate hosts, a recapitulation by type of pool and summaries thereof (1. WPS, 2. Feature pools, and, 3. Combined), type of handle and site shall be produced. The liability report shall include as a minimum:

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

~~(5)(6)~~ The following totalisator reports shall be printed for each performance or operating day:

(a) through (i) No change.

~~(6)(7)~~ Logs shall be maintained, which indicate the time of day of each entry for each terminal other than a Ticket Issuing Machine (TIM) operating during a day. The log shall show:

(a) through (d) No change.

~~(7)(8)~~ In addition to the reports listed in the preceding sections, each totalisator operator shall keep a record of all totalisator malfunctions. This record shall contain the description, date, and time of each malfunction and shall be made available to the division hub personnel within 48 hours.

~~(8)(9)~~ Where the terminal/window activity report includes cross cashing of pari-mutuel tickets, the system shall print a supplementary report summarizing the cashing activity. The supplementary report must provide the amount paid for tickets issued by each pari-mutuel facility by cashing site and selling

site and totals shall be segregated by meet if previous meets outs are included. The reporting of pari-mutuel tickets and credit vouchers shall not be commingled.

~~(9)(10)~~ All the above-indicated totalisator reports shall be printed at the pari-mutuel facility serving as a totalisator hub. In addition, each totalisator company shall provide electronic downloads of wagering data compatible with the division's centralized database. Each report shall include the permitholder's name, date of report, and time of generation. The totalisator operator shall provide to the division hub personnel a copy of each totalisator report produced pursuant to this rule immediately upon printing.

~~(10)(11)~~ Any report or record pertaining to the accounting of pari-mutuel activities produced for or available to the permitholder or totalisator company shall be available to a division representative upon request. Contractual reports or billing information consisting of confidential information between the permitholder and the totalisator company are excluded from this requirement.

Specific Authority 550.0251(3), (7), 550.125(2)(b), 550.155(1), 550.495(4) FS. Law Implemented 550.0251, 550.125, 550.155, 550.3551, 550.495 FS. History--New 10-20-96, Amended 12-15-97, 9-19-04,_____.

61D-7.024 Totalisator Requirements.

(1) through (5) No change.

(6) Each totalisator licensee shall submit Form DBPR ~~PMW-3610 14-030~~, Totalisator System Checklist, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, to the division not later than 10 days prior to the beginning of each meet. If for any reason the information on the checklist changes prior to the beginning of the meet, an updated checklist shall be submitted via facsimile machine not later than 2 days prior to the first performance. In addition to the checklist, the following information shall be provided to the division:

(6)(a) through (10) No change.

(11) Within 48 hours of a malfunction, Form DBPR ~~PMW-3580 BPR Form 14-019~~, Totalisator Operator Report of System Event or Malfunction/Mutuel Manager Report of Totalisator Malfunction or Event, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, shall be filed with the division hub personnel by both the tote representatives and the Mutuels Managers involved.

(12) through (18)(b) No change.

Specific Authority 550.0251(3), (7), 550.155(1), 550.495(4) FS. Law Implemented 550.0251, 550.155, 550.495 FS. History--New 10-20-96, Amended 12-15-97, 9-19-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Admissions Requirements	61D-8.001
Financial Reporting Requirements	61D-8.002
Reporting Requirements for Charity/Scholarship Performances	61D-8.003
Retired Jai Alai Players Charity Days Fund: Accumulation Payments and Reporting	61D-8.004
Purses and Florida Owners' Awards, Horse Racing	61D-8.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting requirements for taxes and takeout on pari-mutuel wagering.

SUMMARY: This proposed rule addresses amendments to the existing rules to appropriately reference revised forms for reporting of pari-mutuel taxes and takeout. The amendments to the rule also corrects obsolete language for reporting of complementary passes for admissions taxes as pointed out to the Division during the rule workshop process.

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

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

SPECIFIC AUTHORITY: 550.0251(3), (7), (9), 550.0351(8), 550.0951(2), 550.125(2)(b), 550.155(1), 550.2614(1), (2), (3), (4), 550.2625(2)(d), 550.3551(10), 550.6305(5) FS.

LAW IMPLEMENTED: 550.0251, 550.0351, 550.0951, 550.0951(5), 550.125, 550.155, 550.1647, 550.1648, 550.2614, 550.2625(2), 550.3551, 550.615, 550.625, 550.6305, 550.6335, 550.655 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, January 20, 2006

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-8.001 Admissions Requirements.

(1) Each permitholder shall provide separate gates for taxable admission. Gates for taxable admission shall be equipped with metered turnstiles which are numbered consecutively and protected from tampering or manipulation. A record of all taxable and tax exempt admissions compiled by the permitholder shall be provided to the division ~~pari-mutuel wagering specialist~~ at the conclusion of each performance. If all turnstiles are broken, it shall be the responsibility of the permitholder to count the admissions. ~~Admission charges shall be aggregated for the purpose of calculating the admission taxes. Each aggregate total, times 15% or 10 cents per admission, whichever is higher, will be the tax due for each class of admissions.~~

(a) No change.

~~(2) Permitholders must remit admissions tax on all taxable admissions as determined by the metered turnstiles described in subsection (1) of this rule. If all turnstiles are broken, it shall be the responsibility of the permitholder to count the admissions and remit the applicable taxes. A broken turnstile must be repaired or replaced prior to the next performance.~~

~~(2)(3) Tax paid admission may be provided by permitholders through the use of complimentary passes. The tax to be paid by the permitholder for complimentary passes shall be equal to the tax imposed on the regular entrance gate admission charge of the gate at which the complimentary pass holder enters. In the case of promotional events or late entrants wherein the general public is admitted free of charge, the tax to be paid by the permitholder shall be 10 cents per entrant. Permitholders shall inform the division of their late entrant policy prior to the beginning of the meet, or upon the institution of such policy, by filing an update to Form DBPR~~

PMW-3520 14-005, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code.

(4) Tax exempt admission may be provided to officers, officials, employees or other persons holding pari mutuel occupational licenses who work on the track or fronton premises, as well as to representatives of the press.

(3)(a) Individuals receiving tax-exempt admission shall be issued a pass by the permitholder which is to be displayed for entry. Tax-exempt passes are not transferable and holders of the passes shall not allow their use by any other individuals.

(a)(b) Prior to ~~or at~~ the beginning of a meet, each permitholder shall forward to provide the division chief ~~inspector with~~ a list of individuals receiving a tax-exempt pass and the capacity in which they are functioning. The permitholder shall notify provide the same information to the division within 48 hours of any changes to the list of chief inspector for tax-exempt passes issued during the meet. Issuance of tax-exempt passes shall be subject to approval by the division.

(4) Admission tax shall be calculated on the aggregate entry fee for weekly, monthly, annual, or other seasonal periods. All entry fees must be reported on Form DBPR PMW-3520, Notification of Pari-Mutuel Operations, prior to the meet.

Specific Authority 550.0251(3), (7), 550.0951(2), 550.125(2)(b), 550.155(1) FS. Law Implemented 550.0251, 550.0951, 550.125, 550.155 FS. History—New 10-20-96, Amended 12-15-97, _____.

61D-8.002 Financial Reporting Requirements.

(1) Not less than 10 calendar days before opening a race or fronton meeting, each permitholder shall file with the division Form DBPR PMW-3520 14-005, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code.

(2) Permiholders who wish to change any item included on Form DBPR PMW-3520 14-005, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, must notify the division of the change within 48 hours of implementation. Written notice of a change shall be deemed an amendment to Form DBPR PMW-3520 14-005. In the event that permitholders are unable to provide sufficient notice as a result of a change needed to correct an error, or an emergency change, the division must be notified via telephone as soon as the need for the change is determined, and permitholders must forward a revised copy of Form DBPR PMW-3520 14-005 to the division on the next working day.

(3) Every permitholder shall file Form DBPR PMW-3560, Monthly Remittance Report On-Track, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, a reporting form with the division by the fifth day of each calendar month for all taxes and fees imposed and

collected during the preceding calendar month. Permiholders shall file DBPR forms as listed in paragraphs (a) through (e) below.

(a) Thoroughbred permitholders shall file the Form DBPR 14-010, Monthly Remittance Report for Thoroughbred Racing Permiholders, incorporated by Rule 61D-10.001, Florida Administrative Code.

(b) Harness racing permitholders shall file Form DBPR 14-011, Monthly Remittance Report for Harness Racing Permiholders, incorporated by Rule 61D-10.001, Florida Administrative Code.

(c) Quarter Horse racing permitholders shall file Form DBPR 14-012, Monthly Remittance Report for Quarter Horse Racing Permiholders, incorporated by Rule 61D-10.001, Florida Administrative Code.

(d) Greyhound racing permitholders shall file Form DBPR 14-013, Monthly Remittance Report for Greyhound Racing Permiholders, incorporated by Rule 61D-10.001, Florida Administrative Code.

(e) Jai alai permitholders shall file Form DBPR 14-014, Monthly Remittance Report for Jai Alai Permiholders, incorporated by Rule 61D-10.001, Florida Administrative Code.

(4) No change.

(5) Every permitholder shall keep records to show all financial activity and shall submit to the division two copies of complete audited financial statements within 120 days after the conclusion of the permitholder's fiscal year. The financial statements shall contain, at a minimum, all reports and supplemental schedules as prescribed in the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering's Form DBPR 14-020, Uniform Reporting System Prescribed for Pari-Mutuel Permiholders, herein incorporated by reference. A copy of this document may be obtained by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The effective date of this document is _____. All financial statements, supplemental schedules, and reports shall be examined in accordance with generally accepted auditing standards by a certified public accountant licensed to practice in Florida. The accountant shall express an opinion as to whether the financial statements, supplemental schedules, and reports are fairly stated in accordance with generally accepted accounting principles.

(6) through (7) No change.

(8) A complete written response must be provided at the request of the division within thirty (30) days of the date of issuance of any report, audit findings, or other formal request for information, by the permitholder, totalisator company or auditee, unless otherwise specified in such request.

(9) No change.

Specific Authority 550.0251(3), (7), (9), 550.125(2)(b), 550.155(1), 550.3551(10), 550.6305(5) FS. Law Implemented 550.0251, 550.0951(5), 550.125, 550.155, 550.3551, 550.615, 550.6305, 550.6335 FS. History—New 10-20-96, Amended 12-15-97, 9-19-04,_____.

61D-8.003 Reporting Requirements for Charity/Scholarship Performances.

(1) through (2) No change.

(3) Within 120 days after the conclusion of its fiscal year each permitholder shall pay the proceeds of all charity performances to the authorized charities and, within 45 days after the required due date for such payments, shall submit to the division Form DBPR PMW-3540 BPR Form 14-008, Statement of Proceeds for Charity Day/Scholarship Performance, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, and Form DBPR PMW-3550 BPR Form 14-009, Statement of Charity Day Proceeds and Distribution, both adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. ~~A separate BPR Form 14-008 and BPR Form 14-009 shall be submitted for each charity performance conducted by the permitholder.~~ Copies of supporting documentation such as checks should be included with the forms, along with a statement and reconciliation which includes all deductions and additions of money, and support for all banking transactions including bank statements, for the "Greyhound Adopt-A-Pet Day."

(4) through (6) No change.

Specific Authority 550.0251(3), (7), 550.125(2)(b), 550.155(1) FS. Law Implemented 550.0251, 550.0351, 550.125, 550.155, 550.1647, 550.1648 FS. History—New 10-20-96, Amended 12-15-97, 6-29-05,_____.

61D-8.004 Retired Jai Alai Players Charity Days Fund: Accumulation Payments and Reporting.

(1) Section 550.0351(8), Florida Statutes, authorizes jai alai permitholders to conduct two ~~one~~ additional charity performances each fiscal year for a fund to benefit retired jai alai players. The proceeds derived from each "Retired Jai Alai Players Charity Day" shall be deposited to the fund. In determining the amount to be deposited to the fund, the permitholder shall not deposit an amount less than the amount that would ordinarily be remitted as state taxes.

(2) through (5) No change.

(6)(a) The permitholder shall submit Form DBPR PMW-3620 14-031, Retired Jai-Alai Players ~~Accumulation and Distribution~~ Fund Distribution, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, to the division within 120 days after the end of the permitholder's fiscal year.

(b) Permitholders shall file reports as required by Rule 61D-8.003, Florida Administrative Code, Reporting Requirements for Charity/Scholarship Performances.

Specific Authority 550.0251(3), 550.0351(8) FS. Law Implemented 550.0251, 550.0351 FS. History—New 10-20-96, Amended 12-15-97,_____.

61D-8.005 Purses and Florida Owners' Awards, Horse Racing.

(1) through (12)(d) No change.

(13) A format as required by the division Form DBPR 14-007, Horse Racing Purse Pool and Owners' Award, Contributions and Payments, incorporated by Rule 61D-10.001, Florida Administrative Code, shall be utilized for the reporting requirements in subsections (11) and (12).

(a) ~~Supporting Form DBPR 14-007 requires supporting schedules for contributions to the purse pool which are derived from interstate broadcasting shall be included.~~ Permitholders may ~~utilize Forms DBPR 14-007A, Supporting Schedule for Items 2 and 17 of Purse Pool Report, incorporated by Rule 61D-10.001, Florida Administrative Code, and Form DBPR 14-007B, Supporting Schedule for Items 11 and 17 of Purse Pool Report, incorporated by Rule 61D-10.001, Florida Administrative Code,~~ or submit schedules designed by the permitholder's accounting personnel provided that all the information needed ~~specified on the forms~~ is included.

(b) The permitholder shall include disclosure notes to the report any time a permitholder has items included in the reports which are not explained within the ~~pre-printed~~ content of the documents ~~Forms DBPR 14-007, 14-007A and 14-007B~~ or where a permitholder wishes to make a contribution to the purse pool which is in excess of the statutory requirements.

(14) through (19) No change.

Specific Authority 550.2614(1), (2), (3), (4), 550.2625(2)(d) FS. Law Implemented 550.2614, 550.2625(2), 550.625, 550.655 FS. History—New 10-20-96, Amended 12-15-97,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marsteller, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Interstate and Intertrack Broadcasts	61D-9.001
Interstate and Intertrack Broadcasts – Emergency Procedures	61D-9.003
Intertrack Wagering – Permitholder Accounting, Reporting and Ticket Cashing Responsibilities	61D-9.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of interstate (simulcast) and intertrack wagering activities.

SUMMARY: This proposed rule addresses amendments to the existing rules to appropriately reference revised forms for reporting of pari-mutuel interstate (simulcast) and intertrack wagering.

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

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

SPECIFIC AUTHORITY: 550.0251(3), (7), 550.125(2)(b), 550.155(1), 550.2625(2)(d), 550.3551(10), 550.495(4), 550.6305(5) FS.

LAW IMPLEMENTED: 550.0251, 550.125, 550.155, 550.2625, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, January 20, 2006

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-9.001 Interstate and Intertrack Broadcasts.

(1)(a) Florida permitholders shall provide documentation supporting information reported on Form DBPR PMW-3590 BPR Form 14-028A, Notification of Interstate Broadcasting, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, to the division. To ensure compliance

with the breeders' and stallion awards requirement set forth in Chapter 550, Florida Statutes, and purse requirements in Section 550.6305, Florida Statutes, Florida permitholders shall provide the following documentation for review and audit upon request:

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

(b) For each meet, the Florida interstate host track shall provide to the Division of Pari-Mutuel Wagering in Tallahassee, the information as required in Form DBPR PMW-3590 14-028A, Notification of Interstate Broadcasting, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, no later than TWO HOURS prior to initiating the broadcast to any out-of-state guest. Florida intertrack hosts shall provide to the division the information required in Form DBPR PMW-3600 14-029A, Notification of Intertrack Wagering, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, no later than two working days prior to the broadcast to any intertrack guest. ~~Greyhound host permitholders conducting separate pools, shall provide to the Division no later than 2 working days prior to the separate pool a completed Form DBPR 14-029B, Notification of Separate Pools, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

~~(c) Each Florida interstate guest permitholder shall file with the division hub personnel BPR Form 14-028B, Notification Regarding Commingled Pools, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, not later than 2 working days prior to the broadcast if its wagers are to be included in an out-of-state host's pools.~~

~~(c)(d)~~ Each Florida host track shall ensure that the primary means of data transmission from the permitholder's facility to the totalisator or from totalisator to totalisator is through a leased dedicated data line. There shall be back-up data lines in the event of primary line failure. Back-up lines may be dial-up data lines.

(3) through (4)(c) No change.

(5) The Florida host track is responsible for the content of its broadcast and shall use all reasonable effort to present a broadcast which offers an exemplary depiction of its racing or playing program, a periodic display of wagering information and continuity of programming between contests. Except for separate pools in greyhound racing as allowed by Section Chapter 550.6305(2), Florida Statutes, the guest track shall display the host track odds.

(5)(a) through (9)(c) No change.

Specific Authority 550.0251(3), (7), 550.125(2)(b), 550.155(1), 550.2625(2)(d), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.2625, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS. History—New 10-20-96, Amended 12-15-97, 9-19-04, _____.

61D-9.003 Interstate and Intertrack Broadcasts – Emergency Procedures.

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

(c) The Florida primary guest shall elect a policy option and shall indicate the option chosen on Form DBPR PMW-3590 BPR Form 14-029A, Notification of Interstate Broadcasting Intertrack Wagering, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, upon becoming an interstate guest.

(6) through (8) No change.

Specific Authority 550.0251(3), (7), 550.125(2)(b), 550.155(1), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.3551, 550.495, 550.615, 550.6305 FS. History--New 10-20-96, Amended 12-15-97, 9-19-04, _____.

61D-9.004 Intertrack Wagering – Permitholder Accounting, Reporting and Ticket Cashing Responsibilities.

(1) through (c) No change.

(2) Each host track shall remit payment twice weekly for all pari-mutuel taxes to the division for all taxes imposed and collected as per the provisions of Section 550.0951(5), Florida Statutes. For the monthly report required by Section 550.0951(5), all the permitholders shall use and file Form DBPR PMW-3570, Monthly Remittance Report Intertrack, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, the following forms:

~~(a) Thoroughbred permitholders shall file the Form DBPR 14-024, Intertrack Monthly Remittance Report for Thoroughbred Racing Permitholders, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

~~(b) Harness racing permitholders shall file Form DBPR 14-022, Intertrack Monthly Remittance Report for Harness Racing Permitholders, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

~~(c) Quarter Horse racing permitholders shall file Form DBPR 14-023, Intertrack Monthly Remittance Report for Quarter Horse Racing Permitholders, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

~~(d) Greyhound racing permitholders shall file Form DBPR 14-025, Intertrack Monthly Remittance Report for Greyhound Racing Permitholders, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

~~(e) Jai alai permitholders shall file Form DBPR 14-026, Intertrack Monthly Remittance Report for Jai Alai Permitholders, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

(3) through (7) No change.

Specific Authority 550.0251(3), (7), 550.125(2)(b), 550.155(1), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS. History--New 10-20-96, Amended 12-15-97, 9-19-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Incorporated and Approved Forms
 RULE NO.: 61D-10.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of activities conducted at a pari-mutuel wagering facility.

SUMMARY: This proposed rule addresses renumbering and revisions to all forms utilized by the division in its rules regulating pari-mutuel wagering.

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

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

SPECIFIC AUTHORITY: 120.80(4)(a), 550.01215(4), 550.0251(2), (3), (5), (6), 550.0351(8), 550.054(5), (8)(b), 550.105(1), (2)(c), (4)(b), (4)(d), (5),(9), 550.125(2)(b), (3)(a), 550.155(1), 550.1815(5), 550.2415(2), (3)(b), (5)(a), (5)(b), (6)(b), (8)(a), (8)(b), (8)(c), (8)(e), (9)(b), (9)(c), (13), 550.2614(4), 550.2625(2)(d), 550.3551(10), 550.495(2)(a), (4), 550.6305(5) FS.

LAW IMPLEMENTED: 120.633, 120.80, 550.01215, 550.0251, 550.0351, 550.054, 550.105, 550.125, 550.155, 550.1815, 550.2415, 550.2625, 550.354, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, January 20, 2006

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary

Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-10.001 Incorporated and Approved Forms.

The following is a list of all forms now incorporated which are to be used by the division in its dealing with the public and the racing industry. A copy of these forms may be obtained by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The effective date of each of these forms is the promulgation date of this rule.

<u>FORM NUMBER</u>	<u>SUBJECT</u>	<u>EFFECTIVE DATE</u>
(1) <u>DBPR PMW-3010</u>	<u>Permit Application</u>	()
(2) <u>DBPR PMW-3030</u>	<u>Personal History Record</u>	()
(3) <u>DBPR PMW-3040</u>	<u>Permit Transfer Application From One Existing Permitholder to Another Permitholder</u>	()
(4) <u>DBPR PMW-3050</u>	<u>Veterinary Report of Medication</u>	()
(5) <u>DBPR PMW-3060</u>	<u>Permitholder Application for Annual License and Operating Dates</u>	()
(6) <u>DBPR PMW-3080</u>	<u>Permitholder Calendar</u>	()
(7) <u>DBPR PMW-3090</u>	<u>Request for Stay</u>	()
(8) <u>DBPR PMW-3100</u>	<u>Request for Appeal of Stewards'/Judges' Hearing</u>	()
(9) <u>DBPR PMW-3110</u>	<u>Animal Owners Temporary License Application</u>	()
(10) <u>DBPR PMW-3120</u>	<u>Individual Occupational License Application</u>	()
(11) <u>DBPR PMW-3130</u>	<u>Business Occupational License Application</u>	()
(12) <u>DBPR PMW-3170</u>	<u>License Upgrade Application</u>	()
(13) <u>DBPR PMW-3180</u>	<u>Request for Waiver</u>	()
(14) <u>DBPR PMW-3280</u>	<u>Veterinarian Report of Race-Day Salix Administration</u>	()

(15) <u>DBPR PMW-3290</u>	<u>Notification to Stewards/Judges of Split Sample Request</u>	()
(16) <u>DBPR PMW-3300</u>	<u>Bleeder's Certificate</u>	()
(17) <u>DBPR PMW-3310</u>	<u>Request to Discontinue Salix</u>	()
(18) <u>DBPR PMW-3330</u>	<u>Salix Certification Waiver</u>	()
(19) <u>DBPR PMW-3360</u>	<u> kennel Personnel Roster</u>	()
(20) <u>DBPR PMW-3510</u>	<u>Report of Escheated Outs</u>	()
(21) <u>DBPR PMW-3520</u>	<u>Notification of Pari-Mutuel Operations</u>	()
(22) <u>DBPR PMW-3540</u>	<u>Statement of Proceeds for Charity Day Performance</u>	()
(23) <u>DBPR PMW-3550</u>	<u>Charity Day Proceeds and Distribution</u>	()
(24) <u>DBPR PMW-3560</u>	<u>Monthly Remittance Report On-Track</u>	()
(25) <u>DBPR PMW-3570</u>	<u>Monthly Remittance Report Intertrack</u>	()
(26) <u>DBPR PMW-3580</u>	<u>Report of System Event or Malfunction</u>	()
(27) <u>DBPR PMW-3590</u>	<u>Notification of Interstate Broadcasting</u>	()
(28) <u>DBPR PMW-3600</u>	<u>Notification of Intertrack Wagering</u>	()
(29) <u>DBPR PMW-3610</u>	<u>Totalisator System Checklist</u>	()
(30) <u>DBPR PMW-3620</u>	<u>Retired Jai Alai Players' Fund Distribution</u>	()
(31) <u>DBPR PMW-3630</u>	<u>Tickets Purchased and Cashed by the Totalisator Company</u>	()

<u>FORM NUMBER</u>	<u>SUBJECT</u>	<u>EFFECTIVE DATE</u>
BPR 10-002	<u>Permit Application</u>	(10-20-96)
BPR 10-003	<u>Personal History Record</u>	(10-20-96)
BPR 10-004	<u>Request for Release of Information and Authorization to Release Information</u>	(10-20-96)
BPR 10-011	<u>Permit Transfer Application From One Existing Permitholder to Another Permitholder</u>	(10-20-96)
BPR 13-005	<u>Notification of Split</u>	

BPR 14-001	Sample Request (12-15-97) Report of Eshcheated Outs (10-20-96)		Event or Malfunction/ Mutuel Manager Report of Totalisator
BPR 14-002	Report of Unpurchased Messenger Bets- (10-20-96)	BPR 14-020	Malfunction or Event (10-20-96) Uniform Reporting System Prescribed for Pari-
BPR 14-003	Report of Uncashed Messenger Bet Winnings and Refunds(10-20-96)	BPR 14-021	Mutuel Permitholders (10-20-96) Proposed Recipients of Charity/Scholarship
BPR 14-004	Audit of Messenger Bet Receipt Books (10-20-96)		Performance Proceeds (10-20-96)
BPR 14-005	Notification of Pari Mutuel Operations (10-20-96)	BPR 14-022	Intertrack Monthly Remittance Report for Harness Racing
BPR 14-007	Horse Racing Purse Pool and Owners Award, Contributions and Payments (10-20-96)	BPR 14-023	Permitholders (10-20-96) Intertrack Monthly Remittance Report for Quarter Horse
BPR 14-007A	Supporting Schedule for Items 2 and 17 of Purse Pool Report (10-20-96)	BPR 14-024	Racing Permitholders (10-20-96) Intertrack Monthly Remittance Report for Thoroughbred Racing
BPR 14-007B	Supporting Schedule for Items 11 and 17 of Purse Pool Report (10-20-96)	BPR 14-025	Permitholders (10-20-96) Intertrack Monthly Remittance Report for Greyhound Racing
BPR 14-008	Statement of Proceeds for Charity/Scholarship Performance (10-20-96)	BPR 14-026	Permitholders (10-20-96) Intertrack Monthly Remittance Report for Jai Alai Permitholders (10-20-96)
BPR 14-009	Statement of Charity Day Distribution (10-20-96)	BPR 14-027	Surcharge Tax Monthly Remittance Report for Guest Permitholders (10-20-96)
BPR 14-010	Monthly Remittance Report for Thoroughbred Racing Permitholders (10-20-96)	BPR 14-028A	Notification of Interstate Broadcasting (10-20-96)
BPR 14-011	Monthly Remittance Report for Harness Racing Permitholders (10-20-96)	BPR 14-028B	Notification Regarding Commingled Pools (10-20-96)
BPR 14-012	Monthly Remittance Report for Quarter Horse Racing Permitholders (10-20-96)	BPR 14-029A	Notification of Intertrack Wagering (10-20-96)
BPR 14-013	Monthly Remittance Report for Greyhound Racing Permitholders (10-20-96)	BPR 14-029B	Notification of Separate Pools (10-20-96)
BPR 14-014	Monthly Remittance Report for Jai Alai Permitholders (10-20-96)	BPR 14-030	Totalisator System Checklist (10-20-96)
BPR 14-015	Distribution of Pari- Mutuel Handle (10-20-96)	BPR 14-031	Retired Jai Alai Players Accumulation and Distribution Fund (10-20-96)
BPR 14-016	Distribution of Intertrack Handle (10-20-96)	BPR 14-032	Option Selected for Interstate Wagers
BPR 14-019	Totalisator Operator Report of System		

	Excluded from Host Pools	(12-15-97)
BPR-14-034	Tickets Purchased and Cashed by the Totalisator Company	(12-15-97)
BPR-15-002	Veterinary Report of Medication	(10-20-96)
BPR-15-005	Veterinarian Report of Race Day Lasix Administration	(10-20-96)
BPR-15-006	Permitholder Application for Annual License and Operating Dates	(10-20-96)
BPR-15-010	Interim License	(12-15-97)
BPR-15-014	Notification to Stewards/Judges of Split Sample Request	(10-20-96)
BPR-15-015	Request for Stay and Waiver of Right to 14-Day Notice	(10-20-96)
BPR-15-016	Request for Appeal of Stewards'/Judges' Hearing	(10-20-96)
BPR-15-020	Bleeder's Certificate	(10-20-96)
BPR-15-022	Request for Waiver	(10-20-96)
BPR-15-024	Duplicate License Request	(10-20-96)
BPR-15-025	Request to Discontinue Lasix	(10-20-96)
BPR-15-026	Temporary License Agreement	(10-20-96)
BPR-15-027	Individual Occupational License Application	(10-20-96)
BPR-15-028	Business Occupational License Application	(10-20-96)
BPR-15-029	Pari-Mutuel Occupational License	(10-20-96)
BPR-15-033	Lasix Certification Waiver	(12-15-97)

Specific Authority 120.80(4)(a), 550.01215(4), 550.0251(2), (3), (5), (6), 550.0351(8), 550.054(5), (8)(b), 550.105(1), (2)(c), (4)(b), (4)(d), (5), (9), 550.125(2)(b), (3)(a), 550.155(1), 550.1815(5), 550.2415(2), (3)(b), (5)(a), (5)(b), (6)(b), (8)(a), (8)(b), (8)(c), (8)(e), (9)(b), (9)(c), (13), 550.2614(4), 550.2625(2)(d), 550.3551(10), 550.495(2)(a), (4), 550.6305(5) FS. Law Implemented 120.633, 120.80, 550.01215, 550.0251, 550.0351, 550.054, 550.105, 550.125, 550.155, 550.1815, 550.2415, 550.2625, 550.354, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS. History—New 10-20-96, Amended 12-15-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLES:	RULE NOS.:
Cardroom Games	61D-11.002
Cardroom Operator License	61D-11.007
Cardroom Business Occupational License	61D-11.008
Cardroom Employee Occupational License	61D-11.009
Duties of Cardroom Operators	61D-11.012
Chips and Tokens	61D-11.015
Admissions Requirements	61D-11.017
Reporting Requirements to Determine Net Proceeds	61D-11.018

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting on the operation of cardrooms by pari-mutuel permitholders who possess a cardroom license issued by the division.

SUMMARY: This proposed rule addresses amendments to the existing rules to conform with recent legislation allowing for the relocation of a cardroom in certain circumstances and for the rules to appropriately reference revised forms for reporting of cardroom activity.

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

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

SPECIFIC AUTHORITY: 550.0251(12), 849.086(4), (5), (6), (8), (11), (13) FS.

LAW IMPLEMENTED: 849.086 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, January 20, 2006

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-11.002 Cardroom Games.

(1) Those games authorized by Section 849.086(2)(a), F.S., are the only games authorized for play at pari-mutuel facilities licensed to conduct cardroom operations. ~~In order to assure only authorized games are played, the division shall review and approve authorized games as follows:~~

~~(a) For each game of poker that a cardroom operator desires to conduct, it must submit BPR Form 16-001 to the division. The form shall include the name of the game of poker, the rules specifying how the game is to be played, the procedures for wagering during the conduct of the game, and the charge to each player for participating in the game. BPR Form 16-001 is adopted and incorporated by Rule 61D-12.001, F.A.C.~~

~~(b) All poker card games in Hoyle's Modern Encyclopedia of Card Games, by Walter B. Gibson, published by Doubleday and Company, Inc., April 1974 1st Edition hereinafter (Hoyle's) incorporated herein by reference, are authorized when played in a non-banking manner and shall be approved by the division. All other card games played in a non-banking manner in which the determination of the winner is based upon a traditional poker ranking system as referenced in Hoyle's shall be approved by the division.~~

~~(c) Any series of games of poker that are played for a single pot shall consist of poker games approved under this section. The cardroom operator shall clearly notify the participants of the number of games in the series that will be necessary to win the pot and the cardroom operator's participation fee that will be charged.~~

(2) through (b) No change.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04,_____.

61D-11.007 Cardroom Operator License.

(1) through (b) No change.

~~(c) The division shall transfer, without requirement of a referendum election, the cardroom license of any permitholder that relocated its permit pursuant to Section 550.0555, Florida Statutes.~~

(2) No change.

~~(3) Cardroom licenses are non-transferable.~~

~~(3)(4) Cardroom licenses shall be renewed annually in conjunction with annual applications for pari-mutuel licenses, provided the applicant requests, as part of the pari-mutuel annual license application, to conduct at least 90 percent of the total number of live performances conducted by such permitholder during either the state fiscal year in which its initial cardroom license was issued or the state fiscal year immediately prior thereto.~~

~~(4)(5) If a pari-mutuel permitholder amends its pari-mutuel license and such amended license does not satisfy the renewal application requirements required by this rule and Section 849.086(5), F.S., the cardroom license will become void upon the issuance of the amended pari-mutuel license.~~

~~(5)(6) An applicant for an annual cardroom license shall complete Form DBPR PMW-3160, Permitholder Application for Annual License to Operate a Cardroom, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code, a cardroom license application, BPR Form 16-002, and BPR Form 16-003, and submit a fee of \$1,000.00 for the first card table and \$500.00 for each additional card table to be operated during the license period. For cardroom facilities at which more than one pari-mutuel permit is operated during a year, table fees for the facility may be paid by one or all of the permitholders. License fees are non-refundable. For the initial cardroom license application, in addition to the application and fees submitted, the applicant shall submit its written internal control system for approval by the division. No cardroom application shall be acted upon until the cardroom applicant's system of internal control has been approved by the division. If the cardroom operator elects to offer an authorized game that it did not include in its license application, it shall inform the division of the authorized game it will offer that was not included in its license application by filing Form DBPR PMW-3150, Notification of a Card Game, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code, BPR Forms 16-002 and 16-003 are adopted and incorporated by Rule 61D-12.001, F.A.C.~~

~~(6)(7) No license application, amendment to an application, or amendment to request additional cardroom tables shall be effective until payment of applicable license fees have been received by the division and the division has issued a license or amended license to operate a cardroom.~~

Specific Authority 550.0251(12), 849.086(4), (5), (6) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04,_____.

61D-11.008 Cardroom Business Occupational License.

(1) through (6) No change.

(7) An applicant for an annual cardroom business occupational license shall complete Form DBPR PMW-3130, Business Occupational License Application, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code, a cardroom business occupational license application, BPR Form 16-004, and submit the \$250.00 fee for an annual cardroom business occupational license. ~~BPR Form 16-004 is adopted and incorporated by Rule 61D-12.001, F.A.C.~~

(8) No change.

Specific Authority 550.0251(12), 849.086(4), (5), (6) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04,_____.

61D-11.009 Cardroom Employee Occupational License.

(1)(a) Applicants for cardroom licensing for positions providing food service, maintenance and security, who do not hold a current pari-mutuel wagering occupational license, shall be required to submit Form DBPR PMW-3120, Individual Occupational License Application, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code, a pari-mutuel wagering occupational license application, BPR Form 15-027, and apply for a pari-mutuel wagering occupational license. ~~BPR Form 15-027 is adopted and incorporated by Rule 61D-10.001, F.A.C.~~

(b) No change.

(2) All applicants for a new or renewal of a cardroom employee occupational license, shall complete Form DBPR PMW-3120, Individual Occupational License Application, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code, a cardroom employee occupational license application, BPR Form 16-005, and submit \$50.00 for the cardroom employee occupational license. In addition to the annual license fee, each applicant shall pay a Florida Department of Law Enforcement fingerprint processing and criminal record check fee as follows:

(a) through (b) No change.

~~(c) BPR Form 16-005 is adopted and incorporated by Rule 61D-12.001, F.A.C.~~

(3) No change.

(4) All occupational and fingerprint fees are nonrefundable, except in situations where the applicant was charged in error.

(5) Request for Waiver shall be made on Form DBPR PMW-3180, Request for Waiver, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code.

~~(6)(4)~~ Prior to transferring a current pari-mutuel wagering occupational licensee, who will be performing food service, maintenance, security duties in the cardroom, mutuel teller or pari-mutuel management, the cardroom operator must notify the division Chief Inspector, and upgrade his or her license on Form DBPR PMW-3170, License Upgrade Application,

adopted and incorporated by Rule 61D-12.001, Florida Administrative Code BPR Form 16-011. BPR Form 16-011 is adopted and incorporated by Rule 61D-12.001, F.A.C.

~~(7)(5)~~ Cardroom employee occupational licenses shall expire June 30th of every year.

~~(8)(6)~~ Cardroom employees shall have their pari-mutuel wagering or cardroom employee occupational license in their possession at all times while on duty in the cardroom.

Specific Authority 550.0251(12), 849.086(4), (5), (6) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04,_____.

61D-11.012 Duties of Cardroom Operators.

(1) through (2) No change.

(3) Cardroom operators shall provide a weekly list of persons whose employment with the cardroom operator has been terminated, resigned or abandoned. A cardroom operator who terminates a cardroom employee or a pari-mutuel wagering employee who works in the cardroom, shall notify the division of said termination on the weekly payroll listing submitted to the division.

(4) As part of the initial license application, the cardroom operator shall provide a listing of all distributors and cardroom management companies that are providing products or services to the cardroom. The division shall be notified in writing on Form DBPR PMW-3220, Notice of Change of Cardroom Business Occupational Licensees Providing Products and Services to a Cardroom, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code, BPR Form 16-006, of any change in companies providing said services within 10 days of such change. ~~BPR Form 16-006 is adopted and incorporated by Rule 61D-12.001, F.A.C.~~

(5) through (10)(a) No change.

(b) The cardroom operator will document any discrepancies in the reconciliation of the imprest trays or bank on Form DBPR PMW-3650, Cardroom Daily Control Sheet, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code the Cardroom Daily Control Sheet, BPR Form 16-009. BPR Form 16-009 is adopted and incorporated by Rule 61D-12.001, F.A.C.

(11) through (13) No change.

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended 5-9-04,_____.

61D-11.015 Chips and Tokens.

(1) through (2) No change.

(3) All Daily control sheets, Form BPR 16-009, of all chips and tokens issued from storage shall be maintained with a record of the date, time, table to which they were issued, the denomination(s), and total value on Form DBPR PMW-3650, Cardroom Daily Control Sheet, adopted and incorporated by Rule 61D-12.001, Florida Administrative Code.

(4) through (c) No change.

Specific Authority 550.0251(12), 849.086(4), (8) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended_____.

61D-11.017 Admissions Requirements.

(1) through (3)(b) No change.

(4) Each cardroom operator shall record cardroom admissions similarly to regular admission to the facility and shall file with the division a report of the admission information on BPR Form 16-007. Any cardroom operator that wishes to charge admission fees shall notify the division in writing at least 2 working days prior to the effective date of such change via facsimile.

(5) Each licensed cardroom operator shall file a sample of each type of cardroom admission ticket with other required documentation for Form DBPR PMW-3520, Notification of Pari-Mutuel Operations, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code BPR Form 16-007. Such samples shall include one copy of each type of non-promotional taxable pass issued by the cardroom operator, as well as one copy of each type of tax-exempt pass.

Specific Authority 550.0251(12), 849.086(4), (11), (13) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended.

61D-11.018 Reporting Requirements to Determine Net Proceeds.

(1) through (2) No change.

(3) Every licensed cardroom operator shall file Form DBPR PMW-3640, Cardroom Monthly Remittance Report, and Form DBPR PMW-3650, Cardroom Daily Control Sheet, both adopted and incorporated by Rule 61D-12.001, Florida Administrative Code, BPR Forms 16-008, 16-009 and 16-010 with the division by the fifth day of each calendar month for the preceding calendar month's cardroom activity.

Specific Authority 550.0251(12), 849.086(4), (11), (13) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Incorporated and Approved Forms

RULE NO.: 61D-12.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of activities conducted in licensed cardrooms operated by a pari-mutuel wagering permitholder.

SUMMARY: This proposed rule addresses renumbering and revisions to all forms utilized by the division in its rules regulating cardroom activities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 550.0251(12), 849.086(4), (5), (6), (7), (9), (11), (13), (16), (17) FS.

LAW IMPLEMENTED: 849.086 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, January 20, 2006

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-12.001 Incorporated and Approved Forms.

The following is a list of all forms now incorporated which are to be used by the Division in its dealing with the cardroom operators and licensees who conduct cardroom gaming. A copy of these forms may be obtained by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035. The effective date of each of these forms is the promulgation date of this rule.

FORM NUMBER	SUBJECT	EFFECTIVE DATE
(1) DBPR PMW-3120	<u>Individual Occupational License Application</u>	()
(2) DBPR PMW-3130	<u>Business Occupational License Application</u>	()
(3) DBPR PMW-3150	<u>Notification of a Card Game</u>	()
(4) DBPR PMW-3160	<u>Permitholder Application for Annual License to Operate a Cardroom</u>	()
(5) DBPR PMW-3170	<u>License Upgrade Application</u>	()
(6) DBPR PMW-3180	<u>Request for Waiver</u>	()
(7) DBPR PMW-3220	<u>Notice of Change of Cardroom Business Occupational Licensees Providing Products and Services to a Cardroom</u>	()
(8) DBPR PMW-3640	<u>Cardroom Monthly Remittance Report</u>	()
(9) DBPR PMW-3650	<u>Cardroom Daily Control Sheet</u>	()

FORM NUMBER	SUBJECT	EFFECTIVE DATE
BPR 16-001	<u>Request for Approval of a Card Game</u>	(1-7-97)
BPR 16-002	<u>Permitholder Application for Annual License to Operate a Cardroom</u>	(1-7-97)
BPR 16-003	<u>Cardroom Dates and Periods of Operation</u>	(1-7-97)
BPR 16-004	<u>Cardroom Business Occupational License Application</u>	(1-7-97)
BPR 16-005	<u>Cardroom Employee Occupational License Application</u>	(1-7-97)
BPR 16-006	<u>Notice of Change of Cardroom Business Occupational Licensees Providing Products and Services to a Cardroom</u>	(1-7-97)
BPR 16-007	<u>Cardroom Daily Attendance Report</u>	(1-7-97)
BPR 16-008	<u>Monthly Remittance Report of Cardroom Operations</u>	(1-7-97)
BPR 16-009	<u>Cardroom Daily Control Sheet</u>	(1-7-97)
BPR 16-010	<u>Schedule of Additions/Withdrawals to Cardroom Cash</u>	(1-7-97)
BPR 16-011	<u>Pari-Mutuel Occupational Licensee Transfer to Cardroom</u>	(1-7-97)

Specific Authority 550.0251(12), 849.086(4), (5), (6), (7), (9), (11), (13), (16), (17) FS. Law Implemented 849.086 FS. History—New 1-7-97, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Time for Compliance with Final Order
 RULE NO.: 61G4-12.008

PURPOSE AND EFFECT: The Board proposes to delete a circumstance when probation may be tolled.

SUMMARY: The proposed amendment deletes language with regard to a licensee leaving the practice of contracting for thirty (30) days or more, as it relates to the tolling of probation.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.227(2), 489.108 FS.
 LAW IMPLEMENTED: 455.227(2), 489.129(2), (6) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G4-12.008 Time for Compliance with Final Order.
- (1) through (4) No change.
- (5) In cases where the Board imposes probation for violation of Chapter 455 or Part I of Chapter 489, F.S., or of the rules promulgated thereunder, the following conditions shall apply:
 - (a) through (d) No change.
 - (e) Should the licensee's licensure to practice contracting be suspended or otherwise placed on inactive status, ~~or if the licensee leaves the practice of contracting for thirty (30) days or more,~~ the probation period shall be tolled and shall resume

running at the time the licensee reactivates the license or returns to the active practice of contracting, and the licensee shall then serve the time remaining in the term of probation.

(f) No change.

Specific Authority 455.227(2), 489.108 FS. Law Implemented 455.227(2), 489.129(2), (6) FS. History—New 1-6-80, Amended 12-19-82, Formerly 21E-12.08, Amended 5-29-90, 7-21-92, Formerly 21E-12.008, Amended 8-21-95, 11-25-97, 7-17-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

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

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Qualification for Certification RULE NO.: 61G4-15.001

PURPOSE AND EFFECT: The Board proposes to add an additional category of person who can verify experience.

SUMMARY: The proposed rule amendment will allow registered Florida contractors to verify active experience for applicants.

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: 489.111 FS.

LAW IMPLEMENTED: 489.111 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.001 Qualification for Certification.

(1)(a) An applicant for certification must, as a precondition thereto, submit proof that he meets the eligibility requirements set forth in Section 489.111(2)(c), F.S., for the

particular category in which he seeks to qualify. An applicant who seeks to meet the educational standard set forth in Section 489.111(2)(c)1., 2., or 3., F.S., must direct the college, university, junior college, or community college which he attended to submit proof to the Department that the applicant received the requisite amount of education. Active experience in the category in which the applicant seeks to qualify shall be verified by affidavits prepared or signed by a state certified or registered Florida contractor, or an architect or engineer, in the applicant's category, who is licensed in good standing or a licensed building official, who is active in the applicant's category, employed by a political subdivision of any state, territory or possession of the United States who is responsible for inspections of construction improvements, listing chronologically the active experience in the trade, including the name and address of employers and dates of employment (which may be corroborated by investigation by the Board). Said affidavit shall be subscribed to in front of a notary.

(b) No change.

(2) through (5) No change.

Specific Authority 489.111 FS. Law Implemented 489.111 FS. History—New 1-6-80, Amended 12-16-80, 6-30-82, 4-11-83, Formerly 21E-15.01, Amended 12-11-90, 8-21-91, 4-16-92, Formerly 21E-15.001, Amended 7-18-94, 12-16-01, 2-6-03, 6-23-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

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

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Licensure by Endorsement RULE NO.: 61G18-14.002

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the required licensure examinations necessary for licensure by endorsement.

SUMMARY: The proposed rule amendments establish specifically the requirements for the national veterinary examination and clinical competency test, and set forth passing scores and their criteria.

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

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

SPECIFIC AUTHORITY: 474.206 FS.

LAW IMPLEMENTED: 474.217 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-14.002 Licensure by Endorsement.

(1) through (2) No change.

(3) For purposes of Section 474.217(1)(a), Florida Statutes, in order for another state's licensure requirements to be considered substantially similar to, equivalent to, or more stringent than the requirements of Chapter 474, Florida Statutes, the other state as of the date the application for endorsement is received by the Board, must require the following:

(a) National Board Examination with a passing score on the National Board Examination of Veterinary Medicine equivalent to or higher than 1.0 standard deviation below the mean score. The mean score and standard deviation are statistically arrived at on the basis of the performance of the criterion population taking the examination on the common testing date. The criterion population is defined as candidates from American Veterinary Medical Association accredited schools or colleges of veterinary medicine in the United States and Canada who are taking the National Board Examination for the first time. For applicants that have taken the National Board Examination (NBE) after December 1, 1992, a passing score on the NBE shall be a scaled score of four hundred twenty-five (425) on a scale ranging from two hundred (200) to eight hundred (800). National Board Examination and Clinical Competency Test with scores equal to those required in Rule 61G18-11.002, F.A.C., notwithstanding the time limits specified in said rule; and

(b) The Clinical Competency Test with a passing score on the Clinical Competency Test portion equivalent to or higher than the mean score minus 1.0 standard deviation below the mean score or converted score which is four hundred (400) statistically arrived at on the basis of the performance of the national candidate population taking the Clinical Competency Test on that testing date, the common testing date. The candidate population is defined as candidates, who are graduates of American Veterinary Medical Association accredited schools or colleges of veterinary medicine who graduated the year in which they are taking the Clinical Competency Test and are taking it for the first time. For applicants taking the Clinical Competency Test (CCT) after

December 1, 1992, a passing score on the CCT shall be a scaled score of four hundred twenty-five (425) on a scale ranging from two hundred (200) to eight hundred.

~~(c)(b)~~ No change.

~~(d)(e)~~ No change.

Specific Authority 474.206 FS. Law Implemented 474.217 FS. History--New 10-13-85, Formerly 21X-14.02, Amended 11-2-88, 4-30-89, 7-6-92, Formerly 21X-14.002, Amended 5-17-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 10, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Continuing Education Standards

RULE NO.: 61G18-16.003

PURPOSE AND EFFECT: The Board proposes the rule amendments to require continuing education provider registration and fees, and also to set continuing education course expiration dates.

SUMMARY: The proposed rule amendments require continuing education providers to register with the Board, beginning May 31, 2006, and pay a registration fee of \$200, to be renewed every other even numbered year. The rule amendments also provide for continuing education course expiration after four (4) years.

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

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

SPECIFIC AUTHORITY: 474.206, 474.211 FS.

LAW IMPLEMENTED: 474.211 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-16.003 Continuing Education Standards.

(1) through (3) No change.

(4) Beginning on May 31, 2006, each provider, unless exempted by rule, shall be registered with the Board. The fee for such registration shall be \$200 and such registration must be renewed by May 31 of every other even numbered year.

(5) Course approval shall expire four (4) years from the date of approval. Continuing education providers shall reapply for approval of any course that has expired by complying with Rule 61G18-16.0035, F.A.C.

Specific Authority 474.206, 474.211 FS. Law Implemented 474.211 FS. History—New 12-10-81, Amended 8-15-84, 5-7-85, Formerly 21X-16.03, Amended 10-14-86, 3-26-90, Formerly 21X-16.003, Amended 8-18-94, 2-6-95, 7-4-95, 12-30-97, 7-13-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2005

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

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 the rule amendment to remove language no longer necessary.

SUMMARY: The proposed rule amendment deletes the requirement for specialty licenses to have standard certification.

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

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

SPECIFIC AUTHORITY: 468.606, 468.609(10) FS.

LAW IMPLEMENTED: 468.609(10) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE 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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Continuing Education Requirements RULE NO.: 64B5-12.013

PURPOSE AND EFFECT: The Board proposes the amendment to the rule removing conflicting language and adding new language clarifying continuing education requirements.

SUMMARY: The amendment to the rule removes conflicting language and adds new language clarifying continuing education requirements.

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

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

SPECIFIC AUTHORITY: 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017 FS.

LAW IMPLEMENTED: 456.013(8), 456.031, 466.0135, 466.014, 466.017, 466.028(1)(i),(bb) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-12.013 Continuing Education Requirements.

(1) Dentists shall complete 30 hours of continuing professional education during each license renewal biennium as a condition of license renewal. No more and no less than one hour shall consist of training in domestic violence as required by Section 456.031, F.S., and described in subsection 64B5-12.019(8), F.A.C. In addition to the 30 hours required herein, each licensed dentist shall complete the training in Cardiopulmonary resuscitation (CPR) required in subsection 64B5-12.020(1), F.A.C.

(2) Dental hygienists shall complete 24 hours of continuing professional education which shall include no more or no less than one hour of training in domestic violence every other biennium as required by Section 456.031, F.S. and as described in subsection 64B5-12.019(8), F.A.C., as a condition of license renewal. In addition, during each license renewal biennium licensed dental hygienists shall complete training in cardiopulmonary resuscitation (CPR) at the basic support level, which results in certification or recertification in CPR by the American Heart Association, the American Red Cross or an entity with equivalent requirements. ~~In addition to the 24 hours required herein, each dental hygienist shall complete no more and no less than one hour of training in domestic violence as required by Section 456.031, F.S., and described in subsection 64B5-12.019(8), F.A.C.~~

(3) through (6) No change.

Specific Authority 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3), (4) FS. Law Implemented 456.013(8), 456.031, 466.0135, 466.014, 466.017(3), (5), 466.028(1)(i), (bb) FS. History—New 4-2-86, Amended 12-31-86, 4-26-87, 7-20-87, 9-16-87, 11-18-89, 7-9-90, Formerly 21G-12.013, Amended 5-19-94, 7-18-94, Formerly 61F5-12.013, Amended 11-15-95, 4-8-96, Formerly 59Q-12.013, Amended 2-17-98, 2-15-99, 3-11-99, 11-9-00, 5-20-01, 8-25-03, 5-31-04, 7-13-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES:	RULE NOS.:
Application Fees for General Anesthesia, Pediatric Conscious Sedation, and Conscious Sedation Permits	64B5-15.017
Initial Permit Fees for General Anesthesia, Pediatric Conscious Sedation, and Conscious Sedation Permits	64B5-15.018
Renewal Fees for General Anesthesia, Pediatric Conscious Sedation, and Conscious Sedation Permits	64B5-15.019

PURPOSE AND EFFECT: The Board proposes the rule amendments to remove the word “parenteral” from its language in these rules to conform to the language in other rules.

SUMMARY: The amendment to the rules will remove the term “parenteral” from the title and text.

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

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

SPECIFIC AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry /MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.017 Application Fees for General Anesthesia, Pediatric Conscious Sedation, and ~~Parenteral~~ Conscious Sedation Permits.

(1) No change.

(2) The application fee for a ~~Parenteral~~ Conscious Sedation Permit shall be \$100.

(3) through (4) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 11-16-89, Formerly 21G-15.017, 61F5-15.017, 59Q-15.017, Amended 9-9-98,_____.

64B5-15.018 Initial Permit Fees for General Anesthesia, Pediatric Conscious Sedation, and ~~Parenteral~~ Conscious Sedation Permits.

(1) No change.

(2) The initial fee for a ~~Parenteral~~ Conscious Sedation Permit shall be \$200.

(3) through (4) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 11-16-89, Formerly 21G-15.018, 61F5-15.018, 59Q-15.018, Amended 9-9-98,_____.

64B5-15.019 Renewal Fees for General Anesthesia, Pediatric Conscious Sedation, and ~~Parenteral~~ Conscious Sedation Permits.

(1) No change.

(2) The biennial renewal fee for a ~~Parenteral~~ Conscious Sedation Permit shall be \$200.

(3) through (4) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 11-16-89, Formerly 21G-15.019, 61F5-15.019, 59Q-15.019, Amended 9-9-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

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

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Colonic Irrigation
RULE NO.: 64B7-31.001

PURPOSE AND EFFECT: To require licensees resuming practice from retired status to pass an examination on colonic irrigation prior to practicing colonic irrigation.

SUMMARY: Include retired status licensee in the rule.

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

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

SPECIFIC AUTHORITY: 480.035(7), 480.041(4), 456.036 FS.

LAW IMPLEMENTED: 480.032, 480.033, 480.041(4), 456.036 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 FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-31.001 Colonic Irrigation

(1) through (3) No change.

(4) Any licensed massage therapist whose license has been in an inactive or retired status for more than two consecutive biennial licensure cycles shall be required to successfully complete and pass the colonic irrigation examination administered by the Department prior to resuming the practice of colonic irrigation.

(5) No change.

Specific Authority 480.035(7), 480.041(4), 456.036 FS. Law Implemented 480.032, 480.033, 480.041(4), 456.036 FS. History—New 12-18-84, Formerly 21L-31.01, Amended 1-30-90, 2-13-91, Formerly 21L-31.001, 61G11-31.001, Amended 1-26-00, 5-5-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy

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

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

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Standards for Transfer of Credit
RULE NO.: 64B7-32.004

PURPOSE AND EFFECT: To designate which schools may transfer credit.

SUMMARY: The rule designates acceptable schools for transfer credit purposes.

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

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

SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.033(9), 480.041(1)(b) 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 FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-32.004 Standards for Transfer of Credit.

Hours credited through transfer credit will not be recognized by the Board unless the following transfer standards are met:

(1) The school shall be provided with a certified transcript from a school licensed by the Department of Education pursuant to Chapter 1005, F.S., or the equivalent licensing authority for another county, state, or country, or be within the public school system of the State of Florida ~~or approved according to subsection 64B7-32.003(1), F.A.C., above.~~

(2) through (3) No change.

Specific Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History—New 3-25-86, Formerly 21L-32.004, Amended 9-30-93, Formerly 61G11-32.004, Amended _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Massage Therapy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 28, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 23, 2005

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Fees
PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the fee for those seeking initial retired license status.

RULE NO.: 64B8-41.001

SUMMARY: The proposed rule amendment implements a fee of \$50.00 for initial retired license status.

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

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

SPECIFIC AUTHORITY: 456.036(3), (13), 468.507, 468.508 FS.

LAW IMPLEMENTED: 456.013, 456.036(4)(b), 456.065, 468.508 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-41.001 Fees.

(1) through (4) No change.

(5) The initial retired license fee shall be \$50.00.

(5) through (10) renumbered (6) through (11) No change.

Specific Authority 456.036(3), (13), 468.507, 468.508 FS. Law Implemented 456.013, 456.036(4)(b), 456.065, 468.508 FS. History—New 4-9-89, Amended 8-28-90, 11-9-90, Formerly 21M-47.001, Amended 9-21-93, 11-4-93, 1-3-94, Formerly 61F6-47.001, Amended 12-28-94, 5-2-95, Formerly 59R-41.001, Amended 11-24-97, 6-22-99, 8-19-99, 9-26-01, 7-22-02, 8-18-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dietetics and Nutrition Practice Council

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

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

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Duplicate License or Wall Certificate Fees
RULE NO.: 64B17-2.006

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete rule language no longer necessary.

SUMMARY: The proposed rule amendment removes the reference to wall certificate and to wall certificate fees.

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

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

SPECIFIC AUTHORITY: 456.025(2), (7), 486.025 FS.

LAW IMPLEMENTED: 456.025(2), (7), FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan K. Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-2.006 Duplicate License ~~or Wall Certificate~~ Fees.

~~(1) If a licensee wishes to request that the Board provide a duplicate license, the Board will issue the duplicate if the request is in writing and accompanied by a payment of \$25.~~

~~(2) If a licensee wants a wall certificate, the Board will issue the certificate upon receipt of a written request and payment of a \$25 fee.~~

Specific Authority 456.025(2), (7), 486.025 FS. Law Implemented 456.025(2), (7) FS. History—New 10-14-91, Amended 1-1-92, Formerly 21MM-2.006, 61F11-2.006, 59Y-2.006, Amended 5-8-00, _____.

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

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

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

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLES:	RULE NOS.:
Licensure as a Physical Therapist by Examination	64B17-3.001
Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination	64B17-3.002
Licensure by Endorsement	64B17-3.003

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the requirements for passing scores on the English as a foreign language examination.

SUMMARY: The proposed rule amendments set forth the scores needed on the licensure examination English as a Foreign Language (TOEFL).

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

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

SPECIFIC AUTHORITY: 456.017, 486.025, 486.031(3) FS. 486.051 486.081 FS.

LAW IMPLEMENTED: 456.017, 486.051, 486.081 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan K. Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B17-3.001 Licensure as a Physical Therapist by Examination.

Every physical therapist who applies for licensure by examination shall satisfy and demonstrate to the Board that the applicant:

- (1) through (4) No change.
- (5) Has attained and submitted to the Board the following:
 - (a) A minimum of 75 professional education credits with no deficiencies in the required content sections or areas as delineated in the FSBPT coursework evaluation tool.
 - (b) A minimum of 60 general education credits with no deficiencies in the required content sections or areas as delineated in the FSBPT coursework evaluation tool.

(c) ~~Until and including December 31, 2006, e~~Evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum score of 220 on the

computer based test or 560 on the paper test version of the Test of English as a Foreign Language (TOEFL) and 4.5 on the test of written English (TWE) and 50 on the test of spoken English (TSE).

(d) Effective January 1, 2007, evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum total score of 89 of the TOEFL as well as accompanying minimum scores in the test's four components of: 24 in writing; 26 in speaking; 18 in reading comprehension; and, 21 in listening comprehension.

~~(e)~~(d) No change.

~~(f)~~(e) No change.

Specific Authority 486.025(1), 486.031(3) FS. Law Implemented 456.017, 486.031, 486.051 FS. History--New 8-6-84, Amended 6-2-85, Formerly 21M-7.20, Amended 5-18-86, Formerly 21M-7.020, 21MM-3.001, Amended 3-1-94, Formerly 61F11-3.001, Amended 12-22-94, 4-10-96, Formerly 59Y-3.001, Amended 12-30-98, 1-23-03,_____.

64B17-3.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination.

(1) The licensure examination ~~for physical therapy~~ shall be the National Physical Therapy Examination for Physical Therapists developed by the Federation of State Boards of Physical Therapy.

(2) through (3) No change.

(4) All applicants for licensure including those licensed by endorsement under Rule 64B17-3.003, F.A.C., are required to take and pass the Florida Jurisprudence Examination developed by the Federation of State Boards of Physical Therapy.

(a) The Florida Jurisprudence Examination has 40 scored questions and the content and approximate weights are:

- 1. through 5. No change.
- 6. Consumer Advocacy 12.5%. In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score ~~of 600~~ based upon a passing score study conducted by the Federation of State Boards of Physical Therapy.

~~(b)~~ No change.

~~2. Any applicant who fails the examination shall not be eligible for reexamination until 60 days following the previous examination administration.~~

Specific Authority 456.017, 486.025, 486.051 FS. Law Implemented 456.017, 486.051 FS. History--New 8-6-84, Formerly 21M-7.22, Amended 3-16-88, 6-20-89, Formerly 21M-7.022, Amended 6-6-90, 6-3-92, 3-24-93, Formerly 21MM-3.002, 61F11-3.002, Amended 12-22-94, Formerly 59Y-3.002, Amended 2-14-02, 4-23-02, 12-5-04,_____.

64B17-3.003 Licensure by Endorsement.

An applicant demonstrating that he or she meets the requirements of Rule 64B17-3.001, F.A.C., may be licensed to practice physical therapy by endorsement by presenting evidence satisfactory to the Board that the applicant has active licensure in another jurisdiction and has passed an examination

before a similar, lawful, authorized examining board in physical therapy in such other jurisdiction if their standards for licensure are as high as those maintained in Florida. The standard for determining whether the standards of another jurisdiction are as high as the standards in Florida shall be whether the written examination taken for licensure in such other jurisdiction by applicants meeting Florida's minimum educational qualifications was through the national physical therapy examination provider certified by the Department. An applicant who has failed to pass the National Physical Therapy Examination for Physical Therapists ~~national physical therapy examination~~ by or on the fifth attempt, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Specific Authority 486.025, 486.081 FS. Law Implemented 486.081 FS. History—New 8-6-84, Formerly 21M-7.26, Amended 5-18-86, Formerly 21M-7.026, 21MM-3.004, 61F11-3.004, 59Y-3.004, Amended 4-21-02, 11-11-02, 11-1-04, 12-5-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLES: RULE NOS.:
Licensure as a Physical Therapist Assistant by Examination 64B17-4.001
Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination 64B17-4.002
Licensure by Endorsement 64B17-4.003

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the requirements for passing scores on the English as a foreign language examination.

SUMMARY: The proposed rule amendments set forth the scores needed on the licensure examination English as a Foreign Language (TOEFL).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:

No Statement of Estimated Regulatory Cost was prepared. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.017, 486.025, 486.031(3), 486.051 486.081 FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051, 486.081 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan K. Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B17-4.001 Licensure as a Physical Therapist Assistant by Examination.

Every physical therapist assistant who applies for licensure by examination shall satisfy and demonstrate to the Board that the applicant:

- (1) through (4) No change.
- (5) Has attained and submitted to the Board the following:
 - (a) Until and including December 31, 2006, eEvidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum score of 220 on the computer based test or 560 on the paper test version of the Test of English as a Foreign Language (TOEFL) and 4.5 on the test of written English (TWE) and 50 on the test of spoken English (TSE).

(b) Effective January 1, 2007, evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum total score of 89 of the TOEFL as well as accompanying minimum scores in the test's four components of: 24 in writing, 26 in speaking, 18 in reading comprehension, and 21 in listening comprehension.

- ~~(c)~~(b) No change.
- ~~(d)~~(e) No change.

Specific Authority 486.025, 486.102 FS. Law Implemented 456.017, 486.102(3), 486.104 FS. History—New 8-6-84, Amended 6-2-85, Formerly 21M-10.20, Amended 5-18-86, Formerly 21M-10.020, 21MM-4.001, Amended 3-1-94, Formerly 61F11-4.001, Amended 12-22-94, 4-10-96, Formerly 59Y-4.001, Amended 1-23-03,_____.

64B17-4.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination.

(1) The licensure examination ~~for physical therapist assistants~~ shall be the National Physical Therapy Examination for Physical Therapists Assistants developed by the Federation of State Boards of Physical Therapy.

(2) In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score ~~of 600~~ recommended by the Federation of State Boards of Physical Therapy.

- (3) No change.

(4) All applicants for licensure including those licensed by endorsement under Rule 64B17-4.003, F.A.C., are required to take and pass the Florida Jurisprudence Examination developed by the Federation of State Boards of Physical Therapy.

(a) The Florida Jurisprudence Examination has 40 scored questions and the content and approximate weights are:

1. through 5. No change.

6. Consumer Advocacy 12.5%. In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score of ~~600~~ based upon a passing score study conducted by the Federation of State Boards of Physical Therapy.

(b) ~~1.~~ No change.

~~2. Any applicant who fails the examination shall not be eligible for reexamination until 60 days following the previous examination administration.~~

Specific Authority 456.017(1)(b), 486.025, 486.104 FS. Law Implemented 456.017, 486.104 FS. History—New 8-6-84, Formerly 21M-10.22, Amended 4-12-87, 3-16-88, 6-20-89, Formerly 21M-10.022, Amended 6-3-92, 3-24-93, Formerly 21MM-4.002, 61F11-4.002, Amended 12-22-94, Formerly 59Y-4.002, Amended 2-14-02, 4-23-02, 12-5-04, _____.

64B17-4.003 Licensure by Endorsement.

An applicant demonstrating that he or she is licensed in another state may be licensed to practice as a physical therapist assistant by endorsement by presenting evidence of active licensure in another jurisdiction, under oath, and evidence satisfactory to the Board that the applicant from such other jurisdiction has been licensed under standards for licensure as high as those maintained in Florida. The standard for determining whether those requirements are as high as those in Florida shall be whether the applicant was required to meet educational standards equivalent to those set forth in subsection 64B17-4.001(3), F.A.C., and whether the written examination taken for licensure in such other jurisdiction was through the designated national physical therapist assistants examination provider certified by the Department. An applicant who has failed to pass the National Physical Therapy Examination for Physical Therapists Assistants ~~national physical therapy examination~~ by or on the fifth attempt, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Specific Authority 486.025, 486.107(1) FS. Law Implemented 486.107(1) FS. History—New 8-6-84, Formerly 21M-10.26, Amended 5-18-86, Formerly 21M-10.026, 21MM-4.004, 61F11-4.004, 59Y-4.004, Amended 7-11-02, 11-11-02, 12-5-04, _____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2005

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B17-7.001

PURPOSE AND EFFECT: The Board proposes the rule amendments to add certain requirements to final orders imposing discipline and to add a violation and penalty for failing to complete an impaired practitioner program.

SUMMARY: The proposed rule amendments allow the Board to consider requiring a licensee or applicant to attend board meetings, perform community service, and take prescribed continuing education courses and/or take the applicable jurisprudence examination. Also added, is a violation and penalty for failing to complete an impaired practitioner program.

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

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

SPECIFIC AUTHORITY: 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan K. Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-7.001 Disciplinary Guidelines.

(1) When the Board finds that an applicant or licensee whom it regulates has violated the below-listed provisions, it shall issue a final order imposing appropriate penalties, for each count, as set forth in Section 456.072(2), F.S., within the ranges recommended in the following disciplinary guidelines. As part of a final order imposing appropriate penalties, the board shall consider requiring an applicant or licensee to attend board meetings, perform community service, take described continuing education courses, or take and pass the applicable jurisprudence examination. The identification of offenses are descriptive only; the full language of each statutory provision cited must be considered in order to determine the conduct included. For all persons subject to this rule, probation may include specific compliance conditions and conditions of probation may be required following any period of suspension of license. For applicants, all offenses listed herein are sufficient for refusal to certify an application for licensure. If the Board makes a finding of pecuniary benefit or self-gain

related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case. In addition to or in lieu of any guideline penalties provided herein, if the violation is for fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000 per count or offense.

(a) through (z) No change.

(aa) Section 456.076(gg), F.S.: Being terminated from or failing to successfully complete an impaired practitioners treatment program – from a minimum of suspension to revocation, pending appearance before the board and demonstrated compliance with the impaired practitioners consultant.

(2) No change.

Specific Authority 456.072, 456.079, 486.025 FS. Law Implemented 456.072, 456.073, 456.079, 486.125 FS. History–New 2-10-87, Formerly 21M-9.023, Amended 8-2-90, 10-14-91, 12-6-92, 3-24-93, Formerly 21MM-7.002, 61F11-7.002, 59Y-7.002, Amended 1-8-98, 8-3-00, 1-2-03,_____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2005

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Continuing Education
RULE NO.: 64B17-9.001

PURPOSE AND EFFECT: The Board proposes the rule amendments to delete outdated addresses.

SUMMARY: The proposed rule amendments remove the addresses for the American Physical Therapy Association and the Florida Physical Therapy Association.

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

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

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.013(6), 486.109(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan K. Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-9.001 Continuing Education.

(1) through (5) No change.

(6) The Board approves for continuing education credit:

(a) No change.

(b) Courses sponsored by the American Physical Therapy Association or any of its components, ~~1111 North Fairfax Street, Alexandria, Virginia 22314~~, or;

(c) Courses approved by the Florida Physical Therapy Association, ~~1705 South Gadsden Street, Tallahassee, Florida 32301~~, so long as they meet the criteria set forth in subsection 64B17-9.001(3), F.A.C.

(d) through (e) No change.

(7) through (8) No change.

Specific Authority 486.025 FS. Law Implemented 456.013(6), 486.109(2) FS. History–New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended 2-14-02, 4-21-02, 1-2-03, 6-28-04,_____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 5, 2005

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE TITLES: Management Provisions
RULE NOS.: 68D-24.003

Suwannee and Santa Fe River Boating Restricted Areas 68D-24.020

PURPOSE AND EFFECT: Drawings are provided in each rule. The drawings are only intended to provide information to assist the boat operator in locating the boating restricted areas depicted in the respective rules. The drawings are not necessarily to scale and should not be relied on for navigational purposes. Nevertheless, some boat operators attempt to navigate their vessels by relying on these drawings rather than on traditional nautical charts. Subsection 68D-24.003(3), F.A.C., will be amended to explicitly state that the drawings are not to scale and should not be used for navigation purposes. This amendment will not affect the size of or restriction within any boating restricted area. For each area, the text of the

applicable rule is controlling and dispositive of the exact location of the boundaries of that particular boating restricted area.

Annual spring rains routinely cause the Suwannee and Sante Fe Rivers to rise. This condition creates an immediate danger to vessels transiting the area. Objects previously well above the water and objects previously on dry land become wholly or partially submerged and create hazards to navigation. These objects include without limitation: waterway markers, bollards and piles, docks and wharves, electrical and telephone wires, utility poles, trees and stumps, fences, dwellings, boat houses, and sheds. The turbulent and muddy waters cause boats to allide dangerously upon submerged objects without warning. Restricting operation to steerageway speed will mitigate the dangers and damages associated with such allisions. Limiting vessel operation to speeds no greater than Idle Speed No Wake is necessary to allow vessels additional opportunity to assess the situation and to avoid dangers.

Vessel operation at speeds greater than Idle Speed No Wake also endangers persons in or near the river. Floodwaters submerge accustomed footpaths and handholds. These submerged areas could cause persons to slip and fall, perhaps into the river. Under these circumstances, there is a substantial likelihood of injury or death.

There is general concurrence from Hamilton, Suwannee, Lafayette, Madison, Gilchrist, Dixie, and Columbia Counties, the Florida Fish and Wildlife Conservation Commission Field Office in Lake City, Florida, the Boating and Waterways Section, the United States Coast Guard, United States Army Corps of Engineers and the Suwannee River Water Management District to proceed with this rulemaking.

SUMMARY: Amend by expanding the existing Idle Speed No Wake zone along the Suwannee and Sante Fe Rivers: Along the Suwannee River from Ellaville south to Luraville, then south to Little River and on to Rock Bluff and from Rock Bluff southerly to Fowler Bluff; From the confluence of the Suwannee and Sante Fe Rivers continuing upstream along the Sante Fe River to O'Leno State Park and Three Rivers Estates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

TIME AND DATES: 8:00 a.m. – 5:00 p.m., February 1-2, 2006

PLACE: Florida Fish and Wildlife Conservation Commission, The Hilton Hotel, 1714 S. W. 34th Street, Gainesville, Florida 32607

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend this hearing is asked to advise the agency at least 48 hours before the meeting by contacting: Agency ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (800)955-8771 (TDD) or (850)488-9542, within the Tallahassee area.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Captain Alan Richard, Assistant General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULES IS:

68D-24.003 Management Provisions.

(1) through (2) No change.

(3) The drawings provided in this chapter are intended to provide information to assist the boat operator in locating the boating restricted areas depicted. The drawings are not to scale and should not be used for navigation purposes. The text of these rules is controlling and dispositive of the exact location of the boundaries of each boating restricted area.

(4) No change.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 8-30-83, Formerly 16N-24.03, Amended 6-14-93, Formerly 16N-24.003, 62N-24.003, Amended 6-12-00, _____.

68D-24.020 Suwannee and Santa Fe River Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic, the Suwannee and Santa Fe River Boating Restricted Areas are established as follows:

(+) Idle Speed No Wake Zones—

(a) All waters in and adjacent to the Suwannee River from the centerline of the U.S. 90 Bridge at Ellaville south to the centerline of the S. R. 51 Bridge at Luraville, in effect when the Suwannee River level is 47 feet (MSL) or higher as indicated on the Ellaville gauge, as depicted in Drawing A. Suwannee River All waters in and adjacent to the Suwannee River, from shoreline to shoreline, bounded on the north by a line drawn perpendicular to the centerline of the river at the north end of the fender system of the U.S. 27 Bridge at Branford and bounded on the south by a line drawn perpendicular to the centerline of the river 300 feet south of the boat ramp at Fowler's Bluff.

(b) All waters in and adjacent to the Suwannee River from the centerline of the S. R. 51 Bridge at Luraville to a line drawn perpendicular to the centerline of the Suwannee River at Little River Spring, in effect when the Suwannee River level is 26 feet (MSL) or higher as indicated on the Branford gauge, as

depicted in Drawing B. Santa Fe River—All waters in and adjacent to the Santa Fe River, from shoreline to shoreline, bounded on the North by a line drawn perpendicular to the centerline of the river at the north end of the fender system of the U.S. 27 Bridge near High Springs and bounded on the south by the Suwannee River.

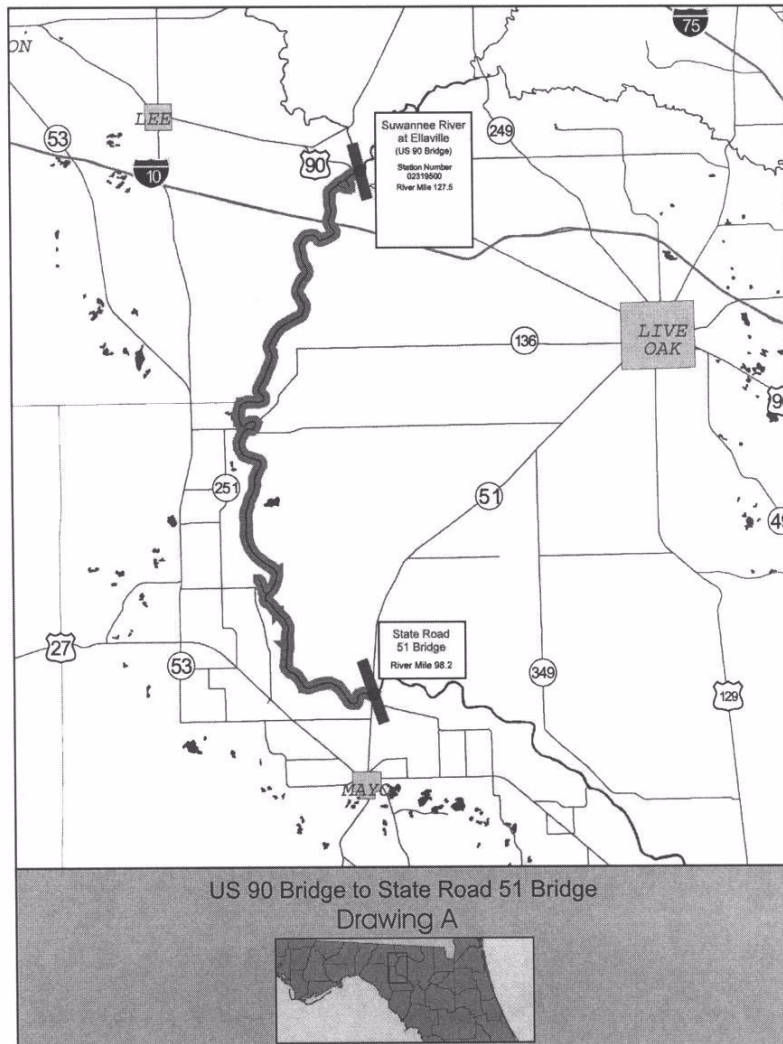
(c) All waters in and adjacent to the Suwannee River from a line drawn perpendicular to the centerline of the Suwannee River at Little River Spring to the centerline of the C. R. 340 Bridge at Rock Bluff, in effect when the Suwannee River level is 24 feet (MSL) or higher as indicated on the Branford gauge, as depicted in Drawing C.

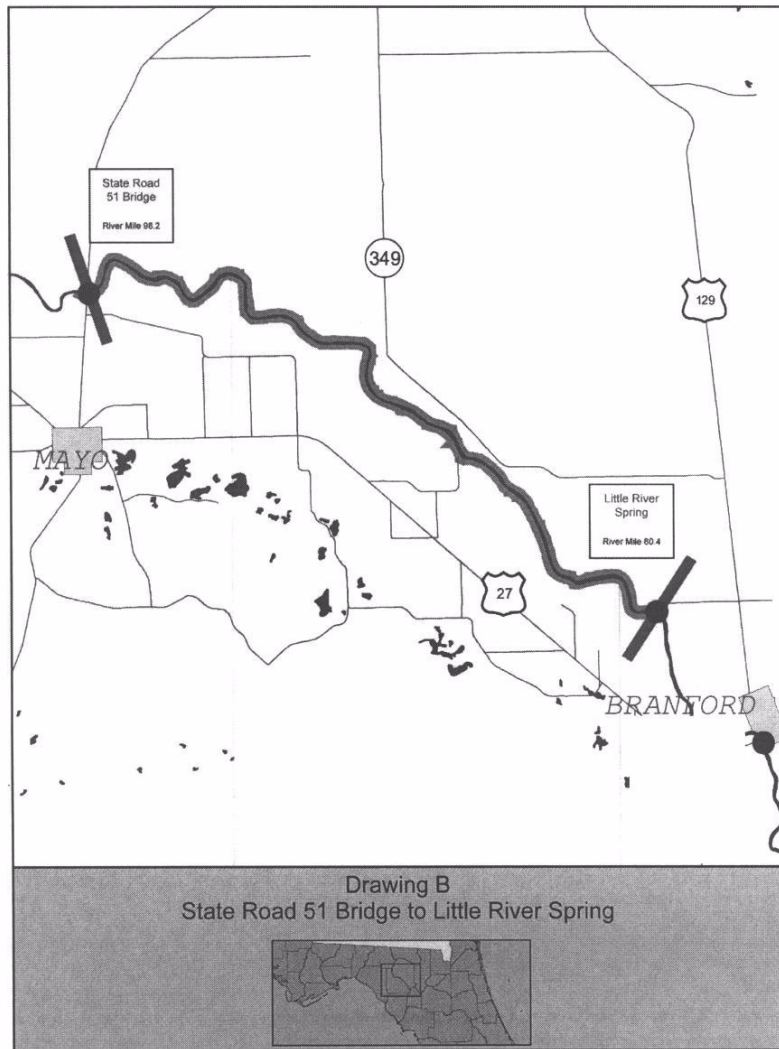
(d) All waters in and adjacent to the Suwannee River from the centerline of the C. R. 340 Bridge at Rock Bluff to a line drawn perpendicular to the centerline of the Suwannee River one mile south of the Fowler Bluff Boat Ramp when the Suwannee River level is 9 feet (MSL) or higher as indicated on the Wilcox gauge, as depicted in Drawing D.

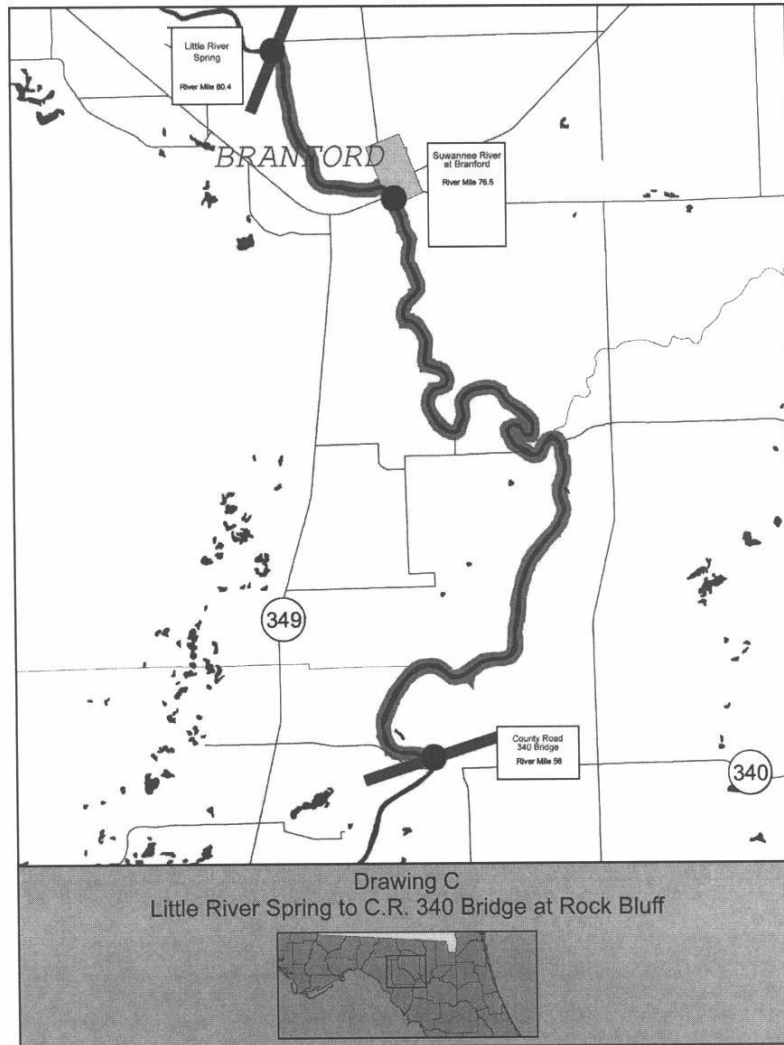
(e) All waters in and adjacent to the Sante Fe River from a line drawn perpendicular to the centerline of the Sante Fe River at River Rise in O'Leno State Park westerly to the confluence of the Suwannee and Sante Fe River, in effect when the Sante Fe River is 17 feet (MSL) or higher as indicated on the Three Rivers Estates gauge, as depicted in Drawing E.

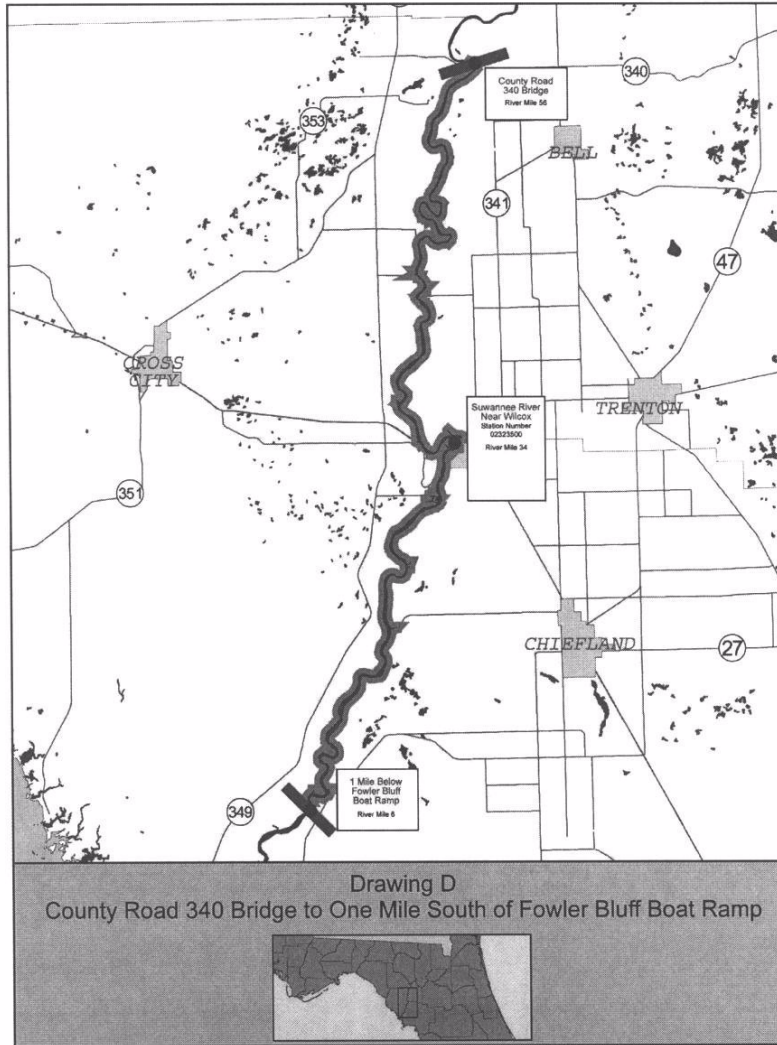
(2) When in Effect – The boating restricted areas established in section (1) shall be active and enforceable only when the water levels are as specified in each paragraph. For purposes of this rule, all referenced river levels are in feet above mean sea level (MSL), 1929 National Geodetic Vertical Datum level of the Suwannee River measured at Branford, Florida, is at 26 feet above sea level (3 feet below flood stage) or higher.

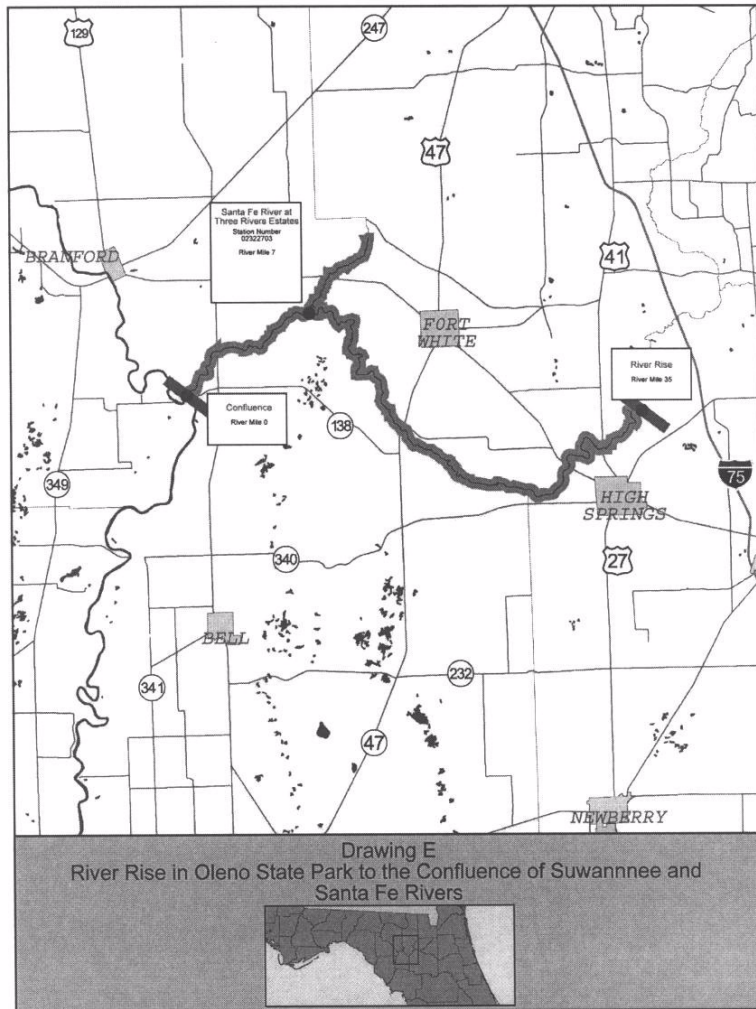
(3) The boating restricted areas described in Rule 68D-24.020, F.A.C. are depicted in the following drawings:











Specific Authority 120.54(9); 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 5-3-94, Formerly 16N-24.020, 62N-24.020, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Tara Alford, Management Analyst, Boating and Waterways Section, Division of Law Enforcement, (850)410-0656, extension 17169, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Colonel Julie Jones, Director, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5H-25	Certification of Agriculture Education and Promotion Facility
RULE NOS.:	RULE TITLES:
5H-25.001	Application
5H-25.002	Certification of an Agriculture Education and Promotion Facility Pursuant to Sections 120.536(1) and 120.54, F.S.
5H-25.003	Evaluation and Ranking
5H-25.004	Submission

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 39, September 30, 2005, issue of the Florida Administrative Weekly.

When adapted the full text will read as follows:

5H-25.001 Application.

Upon the adoption of the proposed rule, Form DACS-06114 entitled, Agriculture Education and Promotion Facility Request for Funding, shall be required by the Department of Agriculture and Consumer Services as procedure according to Section 120.55 (1)(a)4., F.S. The application is incorporated by reference and may be obtained by contacting the Construction Project Consultant I, Division of Marketing and Development,

Bureau of State Farmers' Markets, 407 S. Calhoun Street, Tallahassee, Florida 32399-0800, phone: (850)921-1992, Fax: (850)488-9006.

Specific Authority 288.1175(2) FS. Law Implemented 288.1175 FS. History—New _____.

5H-25.002 Certification of an Agriculture Education and Promotion Facility Pursuant to Sections 120.536(1) and 120.54, F.S.

The Department will apply the following criteria:

(1) Applications for funding must be received by the Department of Agriculture and Consumer Services by close of business on October 1 of each year in order to be eligible to be certified, evaluated and ranked for submission to the Legislature. All required information must be sent by certified or registered mail, or any other delivery service which will require a signature, and received by the deadline.

(2) An eligible unit of local government must have the authority to issue General Obligation or Revenue Bonds, which includes power to levy special assessments bonds (as defined in Section 218.369, F.S.). A fair association must meet the definition as in Section 616.001(9), F.S.

(3) Applicants must demonstrate that the agriculture education and promotion facility shall serve more than 25,000 visitors annually.

(4) Applicant shall submit a certified copy of the resolution of support and evidence of a public hearing that the proposed facility serves a public purpose.

(5) Documentation must be provided to verify the required 40% matching amount by copy of a resolution, budget item, permit waiver(s), in-kind services or cash donation(s). If the applicant is using the value of the land, or any improvements to the land as part or all of the matching requirement, this must be documented by providing a copy of a certified appraisal, tax assessors report or copies of paid invoices for land improvements.

(6) In order to be evaluated and ranked, an application must be certified as an Agriculture Education and Promotion Facility.

Specific Authority 288.1175(4) FS. Law Implemented 288.1175 FS. History—New _____.

5H-25.003 Evaluation and Ranking.

The following criteria shall be used to competitively rank the certified project applications with priority given in descending order using only as many of the criteria as necessary to produce the ranked list:

(1) Construction of a new facility will be ranked higher than renovations to an existing facility.

(2) Matching percentage shall be calculated by dividing the local contribution by the requested amount, times 100.

(3) Applicants must submit documentation that certifies that the project facility is located in a brownfield site as defined in Section 376.79(3), F.S., a rural enterprise zone as defined in

Section 290.004(6), F.S., an agriculturally depressed area as defined in Section 570.242(1), F.S., a redevelopment area established pursuant to Section 373.461(5)(g), F.S., or a county that has lost its agricultural land to environmental restoration projects.

(4) Total available exhibition or civic center space means only that space which is available for public rental.

(5) The longest history of promoting agriculture will be based on archival documentation. Archival documentation includes, but is not limited to: Advertisements, Brochures, Awards, etc. For fair associations, the longest history of promoting agriculture will be based upon the date of initial fair charter issuance.

(6) Paid attendance is the projected number of event tickets sold.

(7) In evaluating the distance from the nearest Institute of Food and Agricultural Sciences facility, applicant must submit distance in feet if less than one mile, and in tenths of a mile increments if more than one mile.

(8) In case of ties from applying all above criteria, the tied project proposals shall be listed in alphabetical order.

Specific Authority 288.1175(5) FS. Law Implemented 288.1175 FS. History—New _____.

5H-25.004 Submission of proposals.

Upon the completion of the certification, evaluation and ranking, the project proposals shall be submitted to the Executive Office of the Governor, the President of the Senate and the Speaker of the House for consideration of funding.

Specific Authority 288.1175(2) FS. Law Implemented 288.1175 FS. History—New _____.

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 Dentistry

RULE NO.: 64B5-14.001
 RULE TITLE: Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 14, April 8, 2005, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.005
 RULE TITLE: Application for Permit

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 14, April 8, 2005, issue of the Florida Administrative Weekly. The changes are being made in response to comments from the Joint Administrative Procedures Committee.

The changes are as follows:

Paragraph (1) is changed to read as follows: (1) No dentist shall administer, supervise or permit another health care practitioner, as defined in Section 456.001, F.S., to perform the administration of general anesthesia, deep sedation, conscious sedation or pediatric conscious sedation in a dental office for dental patients, unless such dentist possesses a permit issued by the Board. A permit is required even when another health care practitioner, as defined in Section 456.001, F.S., administers general anesthesia, deep sedation, conscious sedation, or pediatric conscious sedation in a dental office for a dental patient. The dentist holding such a permit shall be subject to review and such permit must be renewed biennially. Nothing herein shall be read to authorize the administration of any anesthesia by a health care practitioner who is permitted to administer anesthesia pursuant to their own professional license. All dentists in a practice who perform the administration of general anesthesia, deep sedation, conscious sedation or pediatric conscious sedation shall each possess an individual permit. Nothing in this paragraph shall be construed to prohibit administration of anesthetics as part of a program authorized under Rule 64B4-14.003, F.A.C., or any other educational program authorized by Board rule, for training in the anesthetic being administered.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: 64E-2.008
 RULE TITLE: Emergency Medical Technician

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced rule, as noticed in Vol. 31, No. 41, in the October 14, 2005, issue of the Florida Administrative Weekly, has been withdrawn, due to

duplication in the October 7, 2005, issue of the Florida Administrative Weekly. The person to be contacted regarding the Notice of Withdrawal is: Donna Erlich, Assistant General Counsel, 4052 Bald Cypress Way, Bin #A-02, Tallahassee, Florida 32399-1703.

Section IV Emergency Rules

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES:	RULE NOS.:
Scope; Definitions; Index Price	12BER05-10
Imposition of the Gross Receipts Tax	12BER05-11
Registration for Gross Receipts Tax Purposes	12BER05-12
Payment of Gross Receipts Tax; Reports	12BER05-13

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: Chapter 2005-148, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules, and to renew such rules, to implement the provisions of the law. The promulgation of these emergency rules ensures that the appropriate procedures and forms are available for reporting and remitting gross receipts tax on utility service.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of emergency rules, and the renewal of such rules, to ensure the prompt availability of procedures taxpayers can follow to comply with Chapter 203, F.S. (as amended by Chapter 2005-148, Laws of Florida). The Department of Revenue previously sought comment on these emergency rules to the extent possible within the time restraints resulting from the statutory requirements. The preliminary text of proposed rules regarding the imposition of the gross receipts tax on utility services was posted on the Department of Revenue web site. A rule development workshop was held on November 16, 2005, to receive public comments regarding the preliminary text. The public comments received were considered by the Department in preparation of these emergency rules.

SUMMARY OF THE RULES: Emergency Rule 12BER05-10, (Scope; Definitions; Index Price): (1) provides that Emergency Rules 12BER05-10 through 12BER05-13, apply to the tax imposed under Chapter 203, F.S., on utility services delivered to a retail consumer in Florida; (2) defines the terms “cost price,” “distribution company,” “Department,” “electricity index price,” “gas index price,” “gross receipts,” “utility services,” and “person” for purposes of Emergency Rules 12BER05-10 through 12BER05-13; (3) provides that the gross receipts tax imposed on certain utility services delivered to a retail consumer in Florida is based on an index price; (4)

provides how the Department will announce the annual index prices for electricity and for natural and manufactured gas; and (5) provides that the index price applies to electricity only if the transportation of the electricity is sold independent of the sale of the electricity itself.

Emergency Rule 12BER05-11, (Imposition of the Gross Receipts Tax), provides: (1) that the 2.5 percent gross receipts tax is imposed on distribution companies’ gross receipts from the privilege of selling and transporting natural or manufactured gas to retail consumers in Florida; (2) how the tax is computed based on the index price; (3) that the sale or transportation of natural or manufactured gas to public or private utilities for use as a fuel in the generation of electricity or for resale is not subject to tax; (4) that the sale or transportation of natural or manufactured gas to persons eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material is not subject to tax and guidelines on how to document such sales; (5) that the 2.5 percent gross receipts tax is imposed on distribution companies’ gross receipts from the privilege of selling and transporting electricity to retail consumers in Florida and how the tax is to be calculated; (6) that the tax does not apply to receipts from customers for purposes of resale; (7) that receipts from separately itemized charges for the connection, disconnection, suspension, or restoration of utility services are not subject to tax; (8) that receipts from separately itemized fees for returned checks, late payments, and interest due on late payments are not subject to the gross receipts tax; (9) that receipts from separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment are not subject to gross receipts tax; (10) guidelines on how gross receipts tax is applied to charges for utility services separately itemized to customers as an amount for services based on a standard rate amount with a separate rate adjustment; (11) that each and every fee imposed by a political subdivision of the State of Florida that is passed on to the customer as a separately itemized charge is included in the gross receipts subject to tax; (12) that any municipal public service tax and any sales tax separately itemized to the customer is not included in the gross receipts subject to tax; (13) that the sale or delivery of electricity as part of an electric interchange agreement or contract between utilities is not subject to tax and guidelines on how to document such sale or delivery; (14) that wholesale sales of electric transmission services and the loss of electricity from the generation, transmission, or distribution of electricity is not subject to tax; (15) guidelines regarding any separately itemized charge for gross receipts tax on a customer’s bill, invoice, statement, or other evidence of sale; (16) guidelines on the imposition of tax on natural or manufactured gas imported into Florida for which the Florida gross receipts tax has not been paid; (17) guidelines on how to document sales of utility services for purposes of resale; and (18) recordkeeping requirements for taxpayers who sell or deliver utility services.

Emergency Rule 12BER05-12, (Registration for Gross Receipts Tax Purposes), provides: (1) that prior to engaging in the business of selling, transporting, delivering, or importing utility services in Florida, every person is required to register with the Department; and (2) guidelines on how to register with the Department.

Emergency Rule 12BER05-13, (Payment of Gross Receipts Tax; Reports): (1) provides guidelines on the how to report and remit to the Department the gross receipts tax imposed on utility services; (2) provides guidelines for when taxpayers may elect to pay the gross receipts tax on total billings for electricity each month or on the actual gross receipts for electricity received in that month; and (3) provides that persons engaged in the transportation of natural or manufactured gas must provide the Department with a list of customers to whom transportation services were provided in the prior year or post such a list on a publicly-accessible Internet web site.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: Robert Babin, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4842, e-mail babinr@dor.state.fl.us.

THE FULL TEXT OF THE EMERGENCY RULES IS:

12BER05-10 Scope; Definitions; Index Price.

(1) SCOPE. Emergency Rules 12BER05-10 through 12BER05-13, apply to the tax imposed by Chapter 203, F.S., on utility services delivered to a retail consumer in Florida. Where any conflicting language exists between Emergency Rules 12BER05-10 through 12BER05-13, and Rules 12B-6.001, 12B-6.0021, and 12B-6.005, the provisions of these emergency rules are controlling.

(2) DEFINITIONS. For purposes of Rules 12BER05-10 through 12BER05-13:

(a) "Cost price" means the actual cost of articles of tangible personal property without any deductions therefrom on account of the cost of materials used, labor or service costs, transportation charges, or any expenses whatsoever.

(b) "Distribution company" means any person owning or operating local electric, or natural or manufactured gas, utility distribution facilities within this state for the transmission, delivery, and sale of electricity or natural or manufactured gas. The term does not include natural gas transmission companies that are subject to the jurisdiction of the Federal Energy Regulatory Commission.

(c) "Department" means the Florida Department of Revenue.

(d) "Electricity index price" means the applicable residential, industrial, or commercial price per kilowatt hour for retail consumers in Florida in the previous calendar year, as published in the United States Energy Information Administration Electric Power Monthly.

(e) "Gas index price" means the applicable residential, industrial, or commercial price per 1,000 cubic feet for retail consumers in Florida in the previous calendar year, as published in the United States Energy Information Administration Natural Gas Monthly.

(f) "Gross receipts" means the total payments received in money, goods, services, or other consideration.

(g) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit and also includes any political subdivision, municipality, state agency, bureau, or department and includes the plural as well as the singular number.

(h) "Utility services" means electricity for light, heat, or power; and natural or manufactured gas for light, heat, or power, including transportation, delivery, transmission, and distribution of the electricity or natural or manufactured gas. This paragraph does not broaden the definition of utility service to include separately stated charges for tangible personal property or services which are not charges for the electricity or natural or manufactured gas or the transportation, delivery, transmission, or distribution of electricity or natural or manufactured gas. Liquefied petroleum gas is sold in liquid form and transformed into gas when released from the container to be used for fuel. The term "utility services" does not include liquefied petroleum gas.

(3) INDEX PRICE. The calculation of the tax imposed on certain utility services delivered to a retail consumer in Florida is based on an index price.

(a) The Department will announce the residential, commercial, and industrial index prices for electricity and for natural and manufactured gas on June 1 of each year through issuance of a Taxpayer Information Publication and by posting the rates on the Department's Internet web site located on the Internet at www.myflorida.com/dor/taxes. The index prices announced by the Department on June 1 will be effective from the following July 1 through June 30, and will apply to any bill dated on or after July 1 in the year in which the change becomes effective. The initial index prices effective January 1, 2006, through June 30, 2006, have been announced by the Department in Tax Information Publication 05B06-04 and apply to any bill dated on or after January 1, 2006, until the new index prices become effective on July 1, 2006.

(b) The index prices for electricity only apply if the transportation of electricity is sold independent of the sale of the electricity itself. If electricity is sold to a retail consumer in Florida for a price that includes both a charge for the electricity and a charge for the transportation of the electricity, the tax imposed by Chapter 203, F.S., is calculated by using the distribution company's gross receipts, rather than through use of an index price.

(c) When the calculation of the tax imposed on utility services delivered to a retail consumer in Florida requires the use of an index price, the distribution company must use a reasonable methodology to apply the residential, commercial, and industrial classifications to its existing rate structure. This rule shall take effect on January 1, 2006.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01, 203.012 F.S. History—New 1-1-06.

12BER05-11 Imposition of the Gross Receipts Tax.

(1) NATURAL OR MANUFACTURED GAS.

(a) A tax is imposed at the rate of 2.5 percent on distribution companies' gross receipts from the privilege of selling or transporting natural or manufactured gas to a retail consumer in this state. The gross receipts tax on the sale or transportation of natural or manufactured gas is calculated as follows: (number of cubic feet of gas sold or transported) ÷ 1,000 × (the applicable gas index price) × (2.5 percent).

(b) The tax implemented in paragraph (1)(a) does not apply to:

1. The sale or transportation of natural or manufactured gas to a public or private utility, including a municipal corporation, or agency thereof, or rural electric cooperative association for use as a fuel in the generation of electricity;

2. Subject to the documentation requirements outlined in subsection (5), the sale or transportation of natural or manufactured gas to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association for resale;

3. The sale or transportation to, or use of, natural or manufactured gas by any person eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material. Possession by a seller of natural or manufactured gas or by any person providing transportation or delivery of natural or manufactured gas of a written certification by the purchaser relieves the seller or person providing transportation or delivery from the responsibility of remitting tax on the nontaxable amounts, and the Department shall look solely to the purchaser for recovery of such tax if the Department determines that the purchaser was not entitled to the exclusion. The certification must include an acknowledgment by the purchaser that it will be liable for tax pursuant to Section 203.01(1)(f), F.S., if the requirements for exclusion are not met. The following is a suggested format of an exemption certificate to be issued by a manufacturer to a natural or manufactured gas distribution company:

CERTIFICATION

NATURAL OR MANUFACTURED GAS PURCHASED BY
A PERSON ELIGIBLE FOR EXEMPTION UNDER
INDUSTRIAL CLASSIFICATIONS IN SECTION
212.08(7)(ff)2., F.S.

This is to certify that I have purchased natural or manufactured gas for use as an energy source or raw material that is excluded from tax pursuant to Section 203.01(3)(d), F.S..

I certify that the applicable purchases were made by a company whose four-digit SIC Industry Number, as listed below, is classified under SIC Industry Major Group Number 10, 12 through 14, 20, or 22 through 39 or Group Number 212 in the Standard Industrial Classification (SIC) Manual, 1987, published by the Office of Management and Budget.

I acknowledge that I will be liable for tax pursuant to Section 203.01(1)(f), F.S., if the requirements for exclusion pursuant to Section 203.01(3)(d), F.S., are not satisfied.

I understand that if such purchases of natural or manufactured gas do not qualify for the exclusion as indicated on this certification, I must pay the applicable tax directly to the Department of Revenue.

Under penalties of perjury, I declare that I have read the foregoing certificate and the facts stated herein are true.

Purchaser's Name (Print or Type) Date

Signature of Authorized Person Title

Federal Employer Identification Number (FEI No.)

(2) ELECTRICITY.

(a) A tax is imposed at the rate of 2.5 percent on a distribution company's gross receipts from the privilege of selling electricity that is delivered to a retail consumer in this state when the charge to the consumer includes charges for both the electricity and the transportation of the electricity. Tax imposed pursuant to this subparagraph is calculated by multiplying the distribution company's gross receipts by 2.5 percent.

1. The tax implemented in paragraph (2)(a) does not apply to:

a. Receipts from customers for separately itemized charges for the connection, disconnection, suspension, or restoration of electricity;

b. Receipts from customers for separately itemized charges for returned checks or other forms of payment, late payments, or interest due on late payments;

c. Receipts from customers for separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment;

2.a. When charges for utility services are separately itemized as an amount for services based on a standard rate amount with a separate rate adjustment on the same billing, invoice, statement, or other evidence of sale for services, gross receipts tax is due on the receipts for utility services after the application of the rate adjustment.

b. Example: A customer purchases electricity from an electric utility under an energy management program. The customer is billed the standard residential rate. In addition, the customer receives load management monthly credits for allowing specified electrical equipment to be interrupted at the option of the electric utility. The charge for electric service after the load management credits are applied against the charge at the standard residential rate is the amount subject to the gross receipts tax.

c. Example: A customer purchases electricity from an electric utility at the standard residential service rate. The electric utility charges each residential customer in this rate class an additional energy cost recovery factor, called "energy charges," on a per kilowatt hour basis. The customer is billed for electricity at the standard residential rate, plus the applicable energy charges. The amount charged to the customer at the standard residential rate, plus the amount of the energy charges, is the amount subject to the gross receipts tax.

3. Each and every fee imposed by a political subdivision of the State of Florida on the distribution company, such as a franchise fee, is included in the charge upon which the gross receipts tax is computed, when the fees are passed on to the customer and separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

4. Any municipal public service tax imposed under Section 166.231 or 166.232, F.S., or any sales tax imposed under Chapter 212, F.S., on the sale or purchase of electric power or energy is not included in the charge upon which the gross receipts tax is computed when the municipal tax or sales tax is separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

(b) Each distribution company that receives payment for the delivery of electricity to a retail consumer in this state is subject to tax on the exercise of this privilege as provided by this paragraph, unless the payment is subject to tax under paragraph (a). Under this paragraph, the gross receipts tax on the delivery of electricity is calculated as follows: (number of kilowatt hours delivered) × (the applicable electricity index price) × (2.5 percent).

(c) The tax implemented in paragraphs (2)(a) and (b) does not apply to:

1. The sale or delivery of electricity to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association, for resale subject to the documentation requirements outlined in subsection (5);

2. The sale or delivery of electricity to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association, as part of an electric interchange agreement or contract between such utilities for the purpose of transferring more economically generated power.

a. The electric utility is required to maintain a copy of the agreement or contract in its books and records and is not required to meet the provisions of this rule regarding sales for resale.

b. The internal use, including interdepartmental transfers, of the purchased power is not subject to tax.

3. Wholesale sales of electric transmission service.

4. The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which charges are not made to the electric utility's customers.

(3) SEPARATELY ITEMIZED CHARGES. A distribution company may wholly or partially separately itemize the gross receipts tax on the customer's bill, invoice, statement, or other evidence of sale. However, the gross receipts tax is imposed on the privilege of doing business, and it is an item of cost to the distribution company. The distribution company remains fully and completely liable for the payment of the tax, even when the tax is wholly or partially separately itemized on the customer's bill, invoice, statement, or other evidence of sale. When the tax is wholly or partially separately itemized, every person, including governmental units and charitable and religious organizations, is liable for the payment of the tax to the distribution company.

(4) USE TAX.

(a) Gross receipts tax is levied upon a person's cost price of electricity, or natural or manufactured gas, imported into this state or severed within this state for the person's own use or consumption as a substitute for purchasing utility, transportation, or delivery services taxable under Chapter 203, F.S., and who cannot demonstrate payment of the tax imposed by Chapter 203, F.S. The tax implemented pursuant to this paragraph is calculated by multiplying the cost price of the utility service by 2.5 percent.

(b) The tax implemented pursuant to paragraph (4)(a) does not apply to:

1. The use of natural gas in the production of oil or gas, or the use of natural or manufactured gas by a person transporting natural or manufactured gas, when used and consumed in providing such services;

2. The use of natural gas or manufactured gas by a person eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material; or

3. The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which charges are not made to the electric utility's customers.

(5) SALES FOR RESALE. The sale, transportation, or delivery of utility services for resale is only exempt from the tax imposed under Chapter 203, F.S., if the sale, transportation, or delivery is documented in strict compliance with this rule. Distribution companies must document sales for resale by obtaining resale certificates from customers who purchase

transportation, delivery, or utility services for the purposes of resale. The distribution company is only required to obtain one certificate for sales made for the purposes of resale from each customer making purchases for the purposes of resale. The certificate must contain the purchaser's name and address, the purchaser's gross receipts tax registration number and its effective date, a statement that the purchases are for the purpose of resale, the signature of the purchaser or an authorized representative of the purchaser, and the date of issuance. The following is a suggested format of a resale certificate:

RESALE CERTIFICATE FOR GROSS RECEIPTS TAX ON UTILITY SERVICES

This is to certify that the electricity for light, heat, or power or the natural or manufactured gas for light, heat, or power purchased after _____ (date) from _____ (seller's name) is purchased for the purpose of resale pursuant to Chapter 203, F.S.

I understand that if I fraudulently issue this certificate to evade the payment of gross receipts tax I will be liable for payment of the tax directly to the Department of Revenue and subject to the penalties imposed under Section 203.03(2), F.S.

I understand that I must disclose to the seller, or remit tax on, any purchase not for resale when tax was not paid to the seller and/or distribution company.

Under penalties of perjury, I declare that I have read the foregoing certificate and the facts stated herein are true.

Purchaser's Name _____
 Purchaser's Address _____
 Name and Title of Purchaser's Authorized Signature _____

Certificate of Registration Number _____
 Effective Date of Registration _____
 By _____ (authorized signature)
 Date _____

(6) RECORDKEEPING REQUIREMENTS. Distribution companies that sell, transport, or deliver utility services to retail consumers in Florida and taxpayers that import utility services into Florida for their own use must maintain electrical interchange agreements or contracts, resale certificates, exemption certificates, and other documentation required under the provisions of this rule chapter in their books and records until tax imposed under Chapter 203, F.S., may no longer be determined and assessed under Section 95.091, F.S. Electronic storage of required documentation through the use of imaging, microfiche, or other electric storage media will satisfy compliance with recordkeeping requirements.

This rule shall take effect on January 1, 2006.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01, 213.37 FS. History—New 1-1-06.

12BER05-12 Registration for Gross Receipts Tax Purposes.

(1) Prior to engaging in the business of selling, transporting, delivering, or importing utility services, every person, distribution company, or other entity upon which the gross receipts tax is imposed is required to register with the Department.

(2) Registration with the Department for gross receipts tax purposes is available by using one of the following methods:

(a) Registering through the Department's "e-Services" system located on the Department's Internet site at www.myflorida.com/dor; or

(b) Filing an Application to Collect and/or Report Tax in Florida (Form DR-1, hereby incorporated by reference), with the Department as indicated on the form. Copies of this form are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at www.myflorida.com/dor; or 2) faxing a forms request to the Distribution Center at (850)922-2208; or 3) calling the Distribution Center at (850)488-8422; or 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

This rule shall take effect on January 1, 2006.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01 FS. History—New 1-1-06.

12BER05-13 Payment of Gross Receipts Tax; Reports.

(1)(a) Except as provided in Rule Chapter 12-24, F.A.C., and paragraph (c) below, all taxes imposed on utility services are due to the Department on or before the last day of the month following the date of the sale or transaction. The payment and return must either reach the Department or be postmarked on or before the last day of the month for receipts for utility services received in the preceding calendar month for a taxpayer to avoid penalty and interest for late filing. When the last day of the month falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day that is not a Saturday, a Sunday, or a legal holiday. A tax return is required to be filed on or before the last day of each month even when no tax is due. The report is required to be signed by an officer or a representative duly authorized to act by the taxpayer. For this purpose, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and Section 7503 of the 1986 Internal Revenue Code, as amended. A "legal holiday" pursuant to Section 7503 of the Internal Revenue Code of

1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) Form DR-133, Gross Receipts Tax Return (R. 01/06, hereby incorporated by reference), is the return to be used to report the gross receipts tax imposed on utility services. Copies of this form are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at www.myflorida.com/dor; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

(c) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to Section 203.01(1)(j), F.S., the tax is due on or before the last day of the month following the authorized reporting period and becomes delinquent on the first day of the next succeeding month.

(d) Payments and returns for reporting tax must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when:

1. Payment of the tax is required to be made by electronic means;

2. Any return for reporting tax is required to be submitted by electronic means; or

3. No tax is due with a return for reporting tax.

(e)1. For taxes implemented pursuant to paragraph (2)(a) of Rule 12BER05-11, the taxpayer may elect to pay the gross receipts tax on total billings for electricity for each month or on the actual gross receipts for electricity received in that month.

2. When the taxpayer elects to pay gross receipts tax on total billings for electricity, the taxpayer may take a credit for net uncollectibles for which gross receipts tax has been previously paid to the Department. The credit must be reported on the provider's return in accordance with the timing provisions of Section 215.26(2), F.S.

3. In lieu of a credit for net uncollectibles, the taxpayer may seek a refund of tax previously paid by filing an Application for Refund (Form DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department. The application for refund must be filed in accordance with the timing provisions of Section 215.26(2), F.S., and must meet the requirements of Sections 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

4. Form DR-26, Application for Refund, must be filed with the Department within 3 years after the date the tax was paid. Credits for tax paid must be reported on the provider's return within 3 years after the date the tax was paid.

(2) Persons who engage in the transportation of natural or manufactured gas must provide the Department with a list of customers to whom transportation services were provided in the prior year. A person may satisfy the customer-reporting requirement by: 1) providing a written list of customers to the Department; or 2) maintaining a publicly-accessible customer list on the person's Internet web site. The person must provide the written list of customers or the Internet address of the publicly-accessible Internet web site by January 31 of each year to GTA Miscellaneous Tax Coordinator, c/o GTA Program Director, Florida Department of Revenue, 5050 W. Tennessee Street, Bldg D-1, Tallahassee, Florida 32399-0100. Persons who choose to satisfy the customer-reporting requirement by posting a list of customers on a publicly-accessible Internet web site must update the list by January 31 of each year. This reporting requirement does not apply to distribution companies. Any person required to furnish such a list may elect to identify only those customers who take direct delivery without purchasing interconnection services from a distribution company.

This rule shall take effect on January 1, 2006.

Specific Authority s. 3, Ch. 2005-148, L.O.F. Law Implemented 203.01, 213.37, 215.26 FS. History--New 1-1-06.

THESE RULES TAKE EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THESE RULES.

EFFECTIVE DATE: January 1, 2006

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE TITLE: RULE NO.:

Instant Game Number 630,

AMAZING 8'S

53ER05-93

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 630, "AMAZING 8'S," 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:

53ER05-93 Instant Game Number 630, AMAZING 8'S.

(1) Name of Game. Instant Game Number 630, "AMAZING 8'S."

(2) Price. AMAZING 8'S lottery tickets sell for \$1.00 per ticket.

(3) AMAZING 8'S 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 AMAZING 8'S lottery ticket, the ticket must meet the applicable requirements of Rule 53ER05-73, F.A.C.

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

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	9 NINE	10 TEN	11 ELV	12 TLV	 WIN

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

TICKET	\$1.00	\$2.00	\$3.00	\$4.00	
TICKET	ONE	TWO	THREE	FOUR	
\$5.00	\$10.00	\$20.00	\$50.00	\$100	\$500
FIVE	TEN	TWENTY	FIFTY	ONE HUN	FIVE HUN

(6) Determination of Prizewinners. A ticket having a



"WIN" symbol in the play area shall entitle the claimant to the corresponding prize shown for that symbol. The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$10.00, \$20.00, \$50.00, \$100 and \$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 an AMAZING 8'S lottery ticket which entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(7) The estimated odds of winning, value, and number of prizes in Instant Game Number 630 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$1 TICKET	10.00	1,008,000
\$1	\$1	8.82	1,142,400
\$2	\$2	50.00	201,600
\$1 x 5	\$5	100.00	100,800
\$5	\$5	300.00	33,600
(\$1 x 4) + (\$2 x 2)	\$8	150.00	67,200

\$2 x 5	\$10	150.00	67,200
\$3 x 6	\$18	300.00	33,600
(\$4 x 2) + (\$5 x 4)	\$28	600.00	16,800
(\$2 x 4) + (\$10 x 2)	\$28	600.00	16,800
\$10 x 5	\$50	3,600.00	2,800
(\$4 x 2) + (\$20 x 4)	\$88	18,000.00	560
\$20 x 5	\$100	45,000.00	224
\$100	\$100	45,000.00	224
(\$50 x 2) + (\$100 x 4)	\$500	126,000.00	80
\$500	\$500	296,470.59	34

(8) The estimated overall odds of winning some prize in Instant Game Number 630 are 1 in 3.74. 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.

(9) For reorders of Instant Game Number 630, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(10) By purchasing an AMAZING 8'S lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(11) Payment of prizes for AMAZING 8'S 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 12-9-05.

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

EFFECTIVE DATE: December 9, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 612, LUCKY CASH

RULE NO.: 53ER05-94

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 612, "LUCKY CASH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:



53ER05-94 Instant Game Number 612, LUCKY CASH.

(1) Name of Game. Instant Game Number 612, "LUCKY CASH."

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

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

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

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 THENTY				

(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 THENTY				

(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	\$1,000	\$10,000
THENTY	THY FIVE	FIFTY	ONE HUN	ONE THO	TEN THO

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS PRIZE

(8) Determination of Prizewinners.

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

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



corresponding prize. A ticket having a "WINALL" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to all ten prizes.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 612 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 42 POOLS OF	
		ODDS OF	180,000 TICKETS PER POOL
TICKET	\$2 TICKET	10.00	756,000
\$2	\$2	37.50	201,600
\$2 x 2	\$4	18.75	403,200
\$1 + (\$2 x 2)	\$5	37.50	201,600
\$5 (DOLLAR BILL)	\$5	75.00	100,800
\$1 x 10 (MONEYBAG)	\$10	75.00	100,800
\$5 x 2	\$10	75.00	100,800
\$10 (DOLLAR BILL)	\$10	150.00	50,400
\$5 x 5	\$25	150.00	50,400
(\$5 x 2) + (\$10 x 4)	\$50	1,800.00	4,200
\$5 x 10 (MONEYBAG)	\$50	450.00	16,800
\$50	\$50	1,800.00	4,200
\$10 x 10 (MONEYBAG)	\$100	6,428.57	1,176
\$25 x 4	\$100	6,428.57	1,176
\$100 (DOLLAR BILL)	\$100	9,000.00	840
\$20 x 10 (MONEYBAG)	\$200	66,315.79	114
\$100 x 10 (MONEYBAG)	\$1,000	378,000.00	20
\$1,000	\$1,000	540,000.00	14
\$1,000 x 10 (MONEYBAG)	\$10,000	3,780,000.00	2
\$10,000	\$10,000	3,780,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 612 are 1 in 3.79. 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 612, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

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

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

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS, Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS, History—New 12-9-05.

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

EFFECTIVE DATE: December 9, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 626, ROYAL 7'S RULE NO.: 53ER05-95

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 626, "ROYAL 7'S," 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:


53ER05-95 Instant Game Number 626, ROYAL 7'S.

(1) Name of Game. Instant Game Number 626, "ROYAL 7'S."

(2) Price. ROYAL 7'S lottery tickets sell for \$5.00 per ticket.

(3) ROYAL 7'S 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 ROYAL 7'S lottery ticket, the ticket must meet the applicable requirements of Rule 53ER05-73, F.A.C.

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

1	2	3	4	5	6	8	9	10	
ONE	TWO	THREE	FOUR	FIVE	SIX	EIGHT	NINE	TEN	
11	12	13	14	15	16	18	19	20	
ELEVN	TWELV	THRTN	FORTN	FIFTN	SIXTN	EGHTN	NINTN	TWENTY	
21	22	23	24	25	26	28	29	7	
THYONE	THYTWO	THYTHR	THYFOR	THYFIV	THYSIX	THYEGT	THYNIN	BKSEV	WIN

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

1	2	3	4	5	6	8	9	10	
ONE	TWO	THREE	FOUR	FIVE	SIX	EIGHT	NINE	TEN	
11	12	13	14	15	16	18	19	20	
ELEVN	TWELV	THRTN	FORTN	FIFTN	SIXTN	EGHTN	NINTN	TWENTY	
21	22	23	24	25	26	28	29	7	
THYONE	THYTWO	THYTHR	THYFOR	THYFIV	THYSIX	THYEGT	THYNIN	RESEV	

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

\$1.00	\$2.00	\$4.00	\$5.00	\$10.00	
ONE	TWO	FOUR	FIVE	TEN	
\$15.00	\$25.00	\$50.00	\$75.00	\$100	
FIFTEEN	THY FIV	FIFTY	SVY FIV	ONE HUN	
\$250	\$500	\$1,000	\$5,000	\$10,000	\$70,000
TWO FTY	FIV HUN	ONE THO	FIVE THO	TEN THO	SVT THO

(7) Determination of Prizewinners. A ticket having a black **7** "BKSEV" symbol in the play area shall entitle the claimant to the corresponding prize shown for that symbol. A ticket having

a red "**RESEV**" symbol in the play area shall entitle the claimant to double the corresponding prize shown for that symbol. A

ticket having a "**WIN**" symbol in the play area shall entitle the claimant to a prize of \$100. The prize amounts are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$75.00, \$100, \$250, \$500, \$1,000, \$5,000, \$10,000 and \$70,000.

(8) The estimated odds of winning, value, and number of prizes in Instant Game Number 626 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 60 POOLS OF TICKETS PER POOL
\$1 x 5	\$5	30.00	240,000

<u>(\$1 x 3) + \$2</u>	<u>\$5</u>	<u>30.00</u>	<u>240.000</u>
<u>\$1 + (\$2 x 2)</u>	<u>\$5</u>	<u>30.00</u>	<u>240.000</u>
<u>\$5</u>	<u>\$5</u>	<u>30.00</u>	<u>240.000</u>
<u>\$1 x 10</u>	<u>\$10</u>	<u>30.00</u>	<u>240.000</u>
<u>\$2 + (\$4 x 2)</u>	<u>\$10</u>	<u>60.00</u>	<u>120.000</u>
<u>(\$1 x 4) + (\$2 x 3)</u>	<u>\$10</u>	<u>60.00</u>	<u>120.000</u>
<u>\$5 (RED "7")</u>	<u>\$10</u>	<u>120.00</u>	<u>60.000</u>
<u>\$10</u>	<u>\$10</u>	<u>120.00</u>	<u>60.000</u>
<u>\$1 x 15</u>	<u>\$15</u>	<u>60.00</u>	<u>120.000</u>
<u>\$15</u>	<u>\$15</u>	<u>60.00</u>	<u>120.000</u>
<u>\$5 x 5</u>	<u>\$25</u>	<u>400.00</u>	<u>18.000</u>
<u>(\$5 x 3) + \$10</u>	<u>\$25</u>	<u>400.00</u>	<u>18.000</u>
<u>\$5 + (\$10 x 2)</u>	<u>\$25</u>	<u>600.00</u>	<u>12.000</u>
<u>(\$2 x 5) + \$5 + \$10</u>	<u>\$25</u>	<u>300.00</u>	<u>24.000</u>
<u>(\$1 x 10) + (\$2 x 5) + \$5</u>	<u>\$25</u>	<u>200.00</u>	<u>36.000</u>
<u>\$25</u>	<u>\$25</u>	<u>600.00</u>	<u>12.000</u>
<u>\$50</u>	<u>\$50</u>	<u>100.00</u>	<u>72.000</u>
<u>\$5 x 15</u>	<u>\$75</u>	<u>12,000.00</u>	<u>600</u>
<u>(\$10 x 5) + \$25</u>	<u>\$75</u>	<u>12,000.00</u>	<u>600</u>
<u>(\$2 x 10) + \$5 + (\$10 x 5)</u>	<u>\$75</u>	<u>12,000.00</u>	<u>600</u>
<u>\$25 x 3</u>	<u>\$75</u>	<u>12,000.00</u>	<u>600</u>
<u>\$75</u>	<u>\$75</u>	<u>12,000.00</u>	<u>600</u>
<u>\$10 x 10</u>	<u>\$100</u>	<u>2,000.00</u>	<u>3,600</u>
<u>(\$5 x 5) + (\$10 x 5) + \$25</u>	<u>\$100</u>	<u>2,000.00</u>	<u>3,600</u>
<u>\$50 (RED "7")</u>	<u>\$100</u>	<u>2,000.00</u>	<u>3,600</u>
<u>(\$5 x 12) + (\$10 x 4)</u>	<u>\$100</u>	<u>1,500.00</u>	<u>4,800</u>
<u>\$100 (CROWN)</u>	<u>\$100</u>	<u>526.32</u>	<u>13,680</u>
<u>\$250 (RED "7")</u>	<u>\$500</u>	<u>120,000.00</u>	<u>60</u>
<u>(\$25 x 10) + (\$50 x 5)</u>	<u>\$500</u>	<u>120,000.00</u>	<u>60</u>
<u>\$500</u>	<u>\$500</u>	<u>120,000.00</u>	<u>60</u>
<u>\$100 x 10</u>	<u>\$1,000</u>	<u>1,200,000.00</u>	<u>6</u>
<u>\$500 (RED "7")</u>	<u>\$1,000</u>	<u>360,000.00</u>	<u>20</u>
<u>(\$25 x 10) + (\$100 x 5) + \$250</u>	<u>\$1,000</u>	<u>900,000.00</u>	<u>8</u>
<u>\$500 x 2</u>	<u>\$1,000</u>	<u>1,200,000.00</u>	<u>6</u>
<u>\$1,000</u>	<u>\$1,000</u>	<u>1,200,000.00</u>	<u>6</u>
<u>\$5,000 (RED "7")</u>	<u>\$10,000</u>	<u>3,600,000.00</u>	<u>2</u>
<u>(\$500 x 12) + (\$1,000 x 4)</u>	<u>\$10,000</u>	<u>3,600,000.00</u>	<u>2</u>
<u>\$10,000</u>	<u>\$10,000</u>	<u>3,600,000.00</u>	<u>2</u>
<u>\$70,000</u>	<u>\$70,000</u>	<u>3,600,000.00</u>	<u>2</u>

(9) The estimated overall odds of winning some prize in Instant Game Number 626 are 1 in 3.56. 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.

(10) For reorders of Instant Game Number 626, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a ROYAL 7'S lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(12) Payment of prizes for ROYAL 7'S 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 12-9-05.

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

EFFECTIVE DATE: December 9, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Global Tel*Link Corporation in Docket No. 050892-TP, filed on November 22, 2005, seeking waiver from subsection 25-24.515(22), F.A.C. A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services. The rule addresses the minimum time period that must elapse before an outgoing local and long distance call from a confinement facility may be terminated. Comments on the petition should be filed with the Commission's Division of the Commission

Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice. For additional information, please contact Samantha M. Cibula, Office of the General Counsel, at the above address or telephone (850)413-6202.

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District hereby gives notice that it received a petition for variance on December 14, 2005 from KB Home Treasure Coast LLC. Pursuant to Section 120.542, Florida Statutes, KB Home Treasure Coast LLC is seeking a variance from subparagraph 40C-41.063(1)(c)1. and paragraph 40C-4.301(1)(k), F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), with respect to Environmental Resource Permit (ERP) Application 4-009-94151-1. The permit applicant is proposing to construct a multi-family residential development known as "Cypress Creek" in Brevard County. subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. paragraph 40C-4.301(1)(k), F.A.C., requires permit applicants for an ERP to comply with any applicable special basin criteria established in Chapter 40C-41, F.A.C. These rules are intended to protect the water resources of the State by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion. Comments on this petition should be filed with Sandy Bertram, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2005-138. For a copy of the petition or additional information, contact Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or telephone (386)329-4488.

NOTICE IS HEREBY GIVEN that on December 12, 2005, South Florida Water Management District (District) received a petition for waiver from Miami-Dade County Public Works Department, Application No. 05-1103-1, for utilization of Works or Lands of the District known as the C-2 Canal, Miami-Dade County, for the installation of street lighting, pull boxes and buried conduit located within the westerly right of way of C-2 along S.W. 117th Avenue from S.W. 24th Street to S.W. 8th Street, Section 7, Township 50 South, Range 40 East. The petition seeks relief from subsection 40E-6.011(4), F.A.C., which governs the placement of permanent and/or semi-permanent above structures 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 at (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 the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

DEPARTMENT OF ELDER AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Department of Elder Affairs issued an Order on Petition for Waiver under section 120.542, Florida Statutes, on December 13, 2005, to Renaissance Manor, Inc. The petition for waiver of paragraph 58A-5.023(4)(d), F.A.C., was received on September 19, 2005. Notice of receipt of the petition for waiver was published in the Florida Administrative Weekly, Vol. 31, No. 41, on October 14, 2005. No public comment was received. The order grants a limited waiver of paragraph 58A-5.023(4)(c), F.A.C., for one room within the assisted living facility regarding maximum occupancy requirements. The order also grants a limited waiver of paragraph 58A-5.023(4)(d), F.A.C., concerning the number of rooms that may be licensed as one bedroom.

A copy of the order can be obtained from: Jim Crochet, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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.

This variance request was approved December 7, 2005 and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly-according to manufacturer's specifications and Section 6-202-15(D) (2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per the 2001 FDA Food Code section 3-403.11; and potentially hazardous food is held at proper temperatures according the 2001 FDA Food Code section 3-501.16.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(c), F.A.C., and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the 2001 FDA Food Code section 2-201 are to be followed. Petitioner shall also use a potable water tank(s) and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank(s); and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water tank must be from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. 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 Sec. 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on December 2, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), F.A.C., from Matthew's San Marco Market located in Jacksonville. The above referenced F.A.C. 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 add an additional twenty-five (25) seats for a total of thirty-five (35) seats which exceeds the seating capacity with only one accessible bathroom facility accessible to customers.

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 December 6, 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 Julia's Lunchbox located in Naples. 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 December 6, 2005, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), F.A.C., from Yolanda Rojas located in Lehigh Acres. 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.

Approval is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly-according to manufacturer's specifications and Section 6-202-15(D) (2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per the 2001 FDA Food Code section 3-403.11; and potentially hazardous food is held at proper temperatures according the 2001 FDA Food Code section 3-501.16.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(c), F.A.C., and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the 2001 FDA Food Code section 2-201 are to be followed. Petitioner shall also use a potable water tank(s) and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank(s); and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water tank must be from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. 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 Sec. 509.261, Florida Statutes.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Optometry hereby gives notice that it has received a Petition for Variance or Waiver filed on December 5, 2005 on behalf of Keeley W. Verrett, O.D. Petitioner seeks a variance of Section 463.006(2), (3), F.S. Specifically, the Petitioner, a Louisiana State licensed optometrist whose business was destroyed by the recent hurricanes Katrina and Rita, requests that the Board waive the requirement of passing the Florida State examination prior to practicing and allow the Petitioner to practice in Florida while waiting in the interim to take the Florida State examination scheduled for July 2006.

Copies of the petition may be obtained by writing Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on December 14, 2005, Florida Housing Finance Corporation received a Petition for Waiver of paragraph 67-48.004(1)(a); subsections 67-48.004(14) and 67-48.004(15), F.A.C., from Wakulla Trace Apartments, Ltd., a Florida limited partnership (“Petition”). The Petition is seeking a waiver from paragraph 67-48.004(1)(a), F.A.C., which provides for a change in General Partner of the Application, or a member of the

Applicant. The Petition is seeking a waiver from subsection 67-48.0014(14), F.A.C., which provides for the identity of each Developer, including each co-Developer be listed in the application; and the Petitioner is seeking a waiver from subsection 67-48.004(15), F.A.C., which provides that the Applicant’s Development or Development Team is no longer the Development or Development Team described in the Application.

A copy of the Petition can be obtained from Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**Section VI
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Division of Bond Finance
- Financial Services Commission:
 - Office of Insurance Regulation
 - Office of Financial Regulation
- Financial Management Information Board
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection
- DATE AND TIME: January 11, 2006, 9:00 a.m.
- PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director’s reports; approval of fiscal sufficiency

of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the Office of Insurance Regulation concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter

636, F.S., and matters related to rulemaking for all activities of the Office of Financial Regulation relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve

Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, conservation and preservation lands and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor. The Department of Environmental Protection, as staff to the Board of Trustees of the Internal Improvement Trust Fund in addition to the above, will also present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/index.html> or by contacting each individual agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee,

Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The Advisory Board of the Northeast Regional Office, **Division of Historical Resources**, announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 12, 2006, 10:00 a.m.

PLACE: Regional Office, Government House, 48 King Street, St. Augustine Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: St. Augustine Regional Office, P. O. Box 4168, St. Augustine, FL 32085.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request special assistance.

The **Department of State, Division of Cultural Affairs**, announces the following public meeting, to which all persons are invited:

DATE AND TIME: Tuesday, January 17, 2006, 1:00 p.m.

PLACE: FDOT District 3 Office, Facilities Conference Room, 1074 Highway 90 East, Chipley, FL 32428, (850)638-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to determine potential artwork sites and media, establish project schedules and set the next meeting dates for Art in State Buildings Project No. DOT 222-973-1, DeFuniak Springs Operations Center, Walton County.

COMMITTEE: Art Selection Committee

For more information or to obtain a copy of the agenda, please contact Lee Modica, Arts Administrator, Division of Cultural Affairs, R. A. Gray Building, Third Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6476. Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs. 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 Morgan Barr at (850)245-6356. If you are hearing or speech impaired, please contact the Florida Relay at 711.

The **Department of State, Division of Cultural Affairs**, Florida Arts Council, announces a public committee meeting to which all persons are invited:

COMMITTEE: Cultural Facilities Task Force

DATE AND TIME: January 19, 2006, 10:00 a.m.

PLACE: Maitland Art Center, Germaine Marvel Community Building, 210 West Packwood Avenue, Maitland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues pertaining to the Cultural Facilities Program.

A copy of the agenda may be accessed at the Division of Cultural Affairs' website at www.Florida-Arts.org; or by contacting Dianne Alborn, Executive Assistant, 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250; (850)245-6473; or by email at dalborn@dos.state.fl.us.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record this meeting. Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by the 16th day of January 2006, if you need an accommodation. Accommodations can be arranged through Morgan Barr, ADA Coordinator for the Division of Cultural Affairs, at (850)245-6356, by fax at (850)245-6497, or by email at mhbarr@dos.state.fl.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the following monthly public meeting of the Pesticide Registration Evaluation Committee to which all interested persons are invited.

DATE AND TIME: January 12, 2006, 9:00 a.m.

PLACE: Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Bldg. 6, Rm. 606, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

CONTACT: Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Bldg. 6, Rm. 601, Tallahassee, Florida 32399-1650; (850)487-2130.

A copy of the meeting agenda may be obtained by contacting the Pesticide Registration Section, (850)487-2130 or from the PREC Web Site at: <http://www.flaes.org/pesticide/pesticideregistration.html>.

The **Department of Agriculture and Consumer Services** announces a public meeting of the Florida Amusement Device and Attraction Advisory Committee to which all persons are invited.

DATE AND TIME: Wednesday, February 8, 2006, 10:00 a.m.
 PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301, Equestrian Center Pavilion, Florida State Fairgrounds, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting of the Florida Amusement Device and Attraction Advisory Committee.

A copy of the agenda may be obtained by writing to Robert H. Jacobs, 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650; or by calling Robert Jacobs at (850)488-9790.

Pursuant to the American 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 Robert Jacobs, (850)488-9790. If you are hearing or speech impaired please contact the agency by calling the State of Florida TDD line at 1(800)955-8771.

The **Forestry Arson Alert Association** Inc. announces a public meeting to which all persons are invited:

DATE AND TIME: Friday, January 27, 2006, 1:00 p.m.
 PLACE: Prime Osborne Convention Center/ Fire Rescue East Conference/Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the following agenda items: 1) Arson rewards; 2) Budget; 3) Prevention Items; 4) Elections; 5) New Business.

A copy of the agenda may be obtained by writing: Mr. Mike Long, Division of Forestry, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, Telephone (850)488-6111.

The Florida **Department of Agriculture and Consumer Services** announces a teleconference to which all persons are invited:

DATE AND TIME: Wednesday, January 4, 2006, 10:00 a.m.
 PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Motor Vehicle Repair (MVR) Advisory Council will be meeting to discuss the implementation of the Florida MVR Act and the MVR Educational Assistance program authorized by s. 559.922, Florida Statutes. The Council will review and discuss technical training classes and courses of study submitted for approval in the MVR Educational Assistance program.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, phone (850)922-2966.

DEPARTMENT OF EDUCATION

The Florida **Department of Education**, Office of Independent Education and Parental Choice, announces a public hearing of the Charter School Appeal Commission to which all persons are invited.

DATES AND TIME: January 4-5, 2006, 9:00 a.m. until completion

PLACE: 325 West Gaines Street, Turlington Building, Conference Room 1721/25, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Charter School Appeal Commission hearing on the Non-renewal of Students are for Education Charter and application denials of Good Start University, Imagine Schools, Brevard County, and Lake Wales Charter School, Inc. Edward W. Bok Academy.

Special Accommodations: Persons with disabilities who require assistance to participate in these hearings are requested to contact the Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399 or by phone at (850)245-0502.

The **Commission for Independent Education** announces a teleconference meeting to which all persons are invited:

DATE AND TIME: January 9, 2006, 9:00 a.m.
 PLACE: By teleconference at the "meet me" number (850)410-0968, Sum Com 210-0968

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Postsecondary Access and Affordability for Florida's Students position paper.

The Commission will determine any action regarding the paper and any other Commission business.

A copy of the agenda may be obtained by writing the Commission Office at Commission for Independent Education, Department of Education, Florida Education Center, Tallahassee, Florida 32399.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State concern at (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida dual Party Relay System, which can be reached at (800)955-8770 (voice) and (800)955-5771 (TDD).

The Florida **Community Colleges Risk Management Consortium** announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, January 12, 2006, 8:00 a.m. – 1:30 p.m.

PLACE: Crowne Plaza, Orlando Airport, Orlando Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Florida Community Colleges Risk Management Consortium, 5700 S.W. 34th Street, Suite 1205, Gainesville, FL 32608, (352)955-2190, Ext. 6.

DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Standards and Training Commission**, Region VI, Training Council announces a public meeting in Lecanto, Florida to which all persons are invited.

DATE AND TIME: Thursday, January 19, 2006, 10:00 a.m.

PLACE: Citrus Campus of Central Florida Community College, 3800 S. Lecanto Highway, Lecanto, Florida 34461

GENERAL SUBJECT MATTER TO BE CONSIDERED: To establish the 2006-2007 operating budget and to review the 2005-2006 expenditures to date.

A copy of the agenda may be obtained by writing: Central Florida Community College, ATTN: Steven B. Ash, 3001 S.W. College Road, Ocala, Florida 34474

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District 3 announces a public hearing to which all persons are invited.

DATE AND TIME: January 19, 2006, 5:30 p.m. (CST)

PLACE: Vernon Fire Rescue Building, 3560 Roche Avenue, Vernon, Florida 32462

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public hearing is being conducted to afford interested persons the opportunity to express their views concerning the location, design, social, economic, and environmental effects of FDOT Financial ID No. 407167-1-32-01, F.A.P. No. N/A, otherwise known as SR 79 Holmes Creek Bridge Replacement (Bridge No. 610008) in Washington County. The limits of the project are SR 79 from McFatter Street to North of CR 279 (Pate Pond Road), a distance of 1.1 miles, and SR 277 from SR 79 to West of Pippin Mill Creek, a distance of 0.2 miles. This public hearing will present design changes that have occurred in the project since the public hearing held on October 24, 2002.

The project has been developed in accordance with the Civil Rights Act of 1964 and the Civil Rights Act of 1968. Under Title VI and VIII of the United States Civil Rights Acts, any person(s) or beneficiary who believes they have been subjected to discrimination because of race, color, religion, sex, age, national origin, disability, or familial status may file a written

complaint with the Florida Department of Transportation's Equal Opportunity Office in Tallahassee or contact the District's Title VI/Title VIII Coordinator.

Central Office: Florida Department of Transportation, Equal Opportunity Office, 605 Suwannee Street, MS 65, Tallahassee, Florida 32399-0450. Telephone number is (850)414-4753.

District 3: Florida Department of Transportation, District 3, Title VI/VIII Coordinator, P. O. Box 607, Chipley, Florida 32428-0607. Telephone number is (850)638-0250, ext. 520.

Persons with disabilities who may require special accommodations at the hearing pursuant to the Americans with Disabilities Act of 1990 should contact Mr. Bill Howell, PBS&J, (850)638-2288, at least seven (7) days before the meeting. Persons with questions about the hearing or the project should contact Mr. Howell or Mr. Tommie Speights, Public Information Director, at (850)638-0250.

A copy of the agenda may be obtained by writing to Mr. Jason Peters, P.E., District Project Management Engineer, Department of Transportation, P. O. Box 607, Chipley, Florida 32428-0607.

The **Department of Transportation** (FDOT), District 3 announces a public hearing to which all persons are invited.

DATE AND TIME: February 2, 2006, 6:00 p.m. – 8:00 p.m.

PLACE: Campbellton Community Center, 2336 Highway 2, Campbellton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the changing of the State Road designation for the old alignment of SR 2 from SR 2 to SR 2A. The limits of the project corridor begin at the new alignment of SR 2 at mile post 7.643 and terminates at US 231 at mile post 8.161 in Jackson County.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call telephone number (850)638-0250, ext. 541.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing to: Mr. Rex Windham, P. O. Box 607, Chipley, Florida 32428.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: January 12, 2006, 8:30 a.m.

PLACE: Florida Department of Transportation, Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed

upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call Christine Jones at (850)245-7914.

Special accommodation requests under the Americans with Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing to: Christine Jones, Executive Secretary, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, Florida 32303.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

State Board of Administration announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 11, 2006, 9:00 a.m. until conclusion

PLACE: Hermitage Room, Plaza Level, Hermitage Centre at 1801 Hermitage Boulevard, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Audit Committee.

A copy of the agenda may be obtained by writing: State Board of Administration, Attention: Kris Ding, 1801 Hermitage Boulevard, Suite 100, Tallahassee, Florida 32308, (850)413-1249.

In compliance with the Americans with Disabilities Act, anyone needing special accommodations should call James Linn, (850)488-4406 at least five (5) days prior to the meeting.

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATE AND TIME: January 19, 2006, 1:00 p.m. – 4:00 p.m. (EST)

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308. Persons who wish to participate by phone may call (850)487-8540 or SUNCOM 277-8540 on the date and at the time indicated for access to the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review suggestions provided by the public at the rule workshop held the morning of January 19, 2006. Current rules addressed at the workshop are as follows: Rule 19-8.010, Rule 19-8.013, Rule 19-8.028, Rule 19-8.029 and Rule 19-8.030, F.A.C. During the meeting, the Advisory Council will consider public comments made at the workshop and will determine which rules will be filed for Notice of Proposed Rulemaking. In addition, the Advisory Council will engage in other general business of the Council.

Anyone wishing a copy of the agenda should contact: Donna Sirmons, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300 or by telephone at (850)413-1349.

In compliance with the Americans with Disabilities Act, any person needing special accommodation to attend the meeting is requested to contact Donna Sirmons at (850)413-1341, five days prior to the meeting so that appropriate arrangements can be made.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 11, 2006, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing to the Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Faith-Based and Community Advisory Board's Education & Training Subcommittee** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Florida Statutes (2003).

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

PLACE: Conference call (850)487-8783; Leader: Yvonne Sawyer, Chair

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Subcommittee will discuss future education/training dates, as well as discuss tools for delivery of educational opportunities.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact jennie.hopkins@myflorida.com at least 48 hours in advance of the meeting.

REGIONAL PLANNING COUNCILS

The District 5 **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

COMMITTEE NAME: Exercise Committee

DATE AND TIME: Monday, January 9, 2006, 10:00 a.m.

COMMITTEE NAME: Training Subcommittee

DATE AND TIME: Wednesday, January 18, 2006, 9:00 a.m.

COMMITTEE NAME: Local Emergency Planning Committee

DATE AND TIME: Wednesday, January 18, 2006, 10:30 a.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474

GENERAL SUBJECT MATTER TO BE DISCUSSED: Chairman report, Committee updates, and other organizational matters regarding the committees.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact Craig Brashier, (352)732-1315.

REGIONAL TRANSPORTATION AUTHORITIES

Notice is hereby given that the **South Florida Regional Transportation Authority**, Property Committee will hold a regular committee meeting:

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

PLACE: Main Conference Room, SFRTA's Administrative Offices, 800 N.W. 33rd Street, Pompano Beach, FL 33064

Should you have any questions, please contact SFRTA Planning Office at (954)935-1930.

Attendance by South Florida Regional Transportation Authority Committee Members may be in person or via conference telephone.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, 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 the Executive Office at 800 N.W. 33rd Street, Suite 100, Pompano Beach, Florida 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 Property Committee 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 at (954)788-7915.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following **PROJECTS AND LAND COMMITTEE MEETING(S) AND TOUR**. All persons are invited.

DATES AND TIMES: Thursday, January 5, 2006, 6:00 p.m. – 7:00 p.m., Projects and Land Committee public meeting forum, Friday, January 6, 2006, 8:00 a.m. – 10:00 a.m., Projects and Land Committee business meeting followed by a tour of Upper Ocklawaha River Basin Project Areas.

PLACE: Both January 5 and 6 meetings will be held at: Lakeside Inn, 100 North Alexander Street, Mt. Dora, FL 32757, January 6, 2006, following the business meeting, a tour of District project areas in the Upper Ocklawaha River Basin area.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting forum for presentation of Upper Ocklawaha River Basin Projects, Business meeting to consider Committee agenda items.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Hazel Hinton, Department of Water Resources at (386)329-4347.

NOTE: In the event that a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on the following Tuesday, January 10, 2006, 8:45 a.m. at the St. Johns River Water Management District office located on Highway 100

West, 4049 Reid Street, Palatka, FL. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited.

GOVERNING BOARD AND COMMITTEE CHAIRMEN

DATE AND TIME: Tuesday, January 10, 2006, 8:30 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE & ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, January 10, 2006, 8:45 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance & Administration Committee agenda items followed by committee recommendations to be approved by the full Governing Board. Staff may recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, January 10, 2006, 10:00 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD MEETING AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, January 10, 2006, 1:00 p.m.*

*This meeting may continue on the next consecutive day (Wednesday) at 8:00 a.m. if necessary to finish regulatory and administrative agendas.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

A copy of the agenda may be obtained at the St. Johns River Water Management District website www.sjrwmd.com or by calling (386)329-4500. One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours in advance.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District** announces the following public meeting and hearing. All persons are invited.

PUBLIC HEARING TO APPROVE FLORIDA FOREVER WORK PLAN ANNUAL UPDATE

DATE AND TIME: Tuesday, February 7, 2006, immediately following, Governing Board meeting which begins at 1:00 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments and approve the District's Florida Forever Work Plan Annual Update for the acquisition and management of lands funded by the Florida Forever Trust Fund pursuant to Section 373.139(3) and 373.199(7), Florida Statutes.

NOTE: Additional information may be obtained at the SJRWMD website (www.sjrwmd.com) or by contacting Office of Budget and Management Reporting, SJRWMD, 4049 Reid Street, Palatka, Florida 32177; (386)329-4500. One or more Governing Board members may attend and participate in the meeting/hearing by means of communications media technology.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, January 4, 2006 from immediately after the Audit and Finance Committee Meeting on January 4, 2006 or 1:00 p.m., whichever comes first and until complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Land Resource and Regulatory Committee to discuss and consider District business.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at: (1) District Website (www.sfwmd.gov/gover/GovBoard/webpage/agenda.html) or (2) by writing to the South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary

for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, January 4, 2006, 9:00 a.m. until complete.

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Finance and Audit Committee to discuss and consider District business.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at: (1) District Website (www.sfwmd.gov/gover/GovBoard/webpage/agenda.html) or (2) by writing to the South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, at (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1131, West Palm Beach, FL 33406, (561)682-6371.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, January 5, 2006 from 9:00 a.m. until complete

PLACE: SFWMD Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Regular Meeting.

A copy of the agenda may be obtained at: (1) District Website (www.sfwmd.gov/gover/wrac/webpage/agenda.html) or (2) by writing to the South Florida Water Management District, Mail Stop 1131, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact Paula Moree, Governing Board and Executive Services, at (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1131, West Palm Beach, FL 33406, (561)682-6447.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, January 9, 2006, 10:00 a.m. until complete

PLACE: SFWMD Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Stormwater Management Issues Workshop.

A copy of the agenda may be obtained at: (1) District Website (www.sfwmd.gov/gover/wrac/webpage/agenda.html) or (2) by writing to the South Florida Water Management District, Mail Stop 1131, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, at (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Paula Moree, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1131, West Palm Beach, FL 33406, (561)682-6447.

The South Florida Water Management District announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, January 10, 2006, 9:00 a.m.; Wednesday, January 11, 2006, 9:00 a.m. until complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Workshop/Meeting to discuss and consider District business including regulatory and non-regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at: (1) District Website: http://my.sfwmd.gov/portal/page?_pageid=153,351022&_dad=portal&_s_chema=PORTAL or (2) by writing to: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, at (561) 682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130 West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, January 17, 2006, 5:00 p.m. – 8:00 p.m.

PLACE: Charles Deering Estate, 16701 S.W. 72nd Avenue, Village of Palmetto Bay, Florida 33157

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Biscayne Bay Coastal Wetlands Issues Workshop.

A copy of the agenda may be obtained at the (1) District Website (www.sfwmd.gov/gover/wrac/webpage/agenda.html) or (2) by writing to the South Florida Water Management District, Mail Stop 1131, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Paula Moree, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1131, West Palm Beach, FL 33406, (561)682-6447.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Florida **Statewide Advocacy Council** (FSAC) announces meetings for all Statewide Advocacy Council members, including the Chair, Vice-Chair, Executive Director, Assistant Executive Director, administrative office staff and Local Advocacy Council members approved by the local Chair to attend. Parts of the meetings are open to the public.

DATES AND TIMES: 2006 Meetings – February 22-24, 2006, May 17-19, 2006, July 19-21, 2006, September 20-22, 2006 and November 15-17, 2006

CONFERENCE CALL DATES AND TIMES FOR 2006: Every Wednesday from 9:00 a.m. – 11:00 a.m. beginning January 4 – December 27 (January 4, 11, 18, 25; February 1, 8, 15, 22; March 1, 8, 15, 22, 29; April 5, 12, 19, 26; May 3, 10, 17, 24; June 7, 14, 21, 28; July 5, 12, 19, 26; August 2, 9, 16, 23, 30; September 6, 13, 20, 27; October 4, 11, 18, 25; November 1, 8, 15, 22, 29; December 6, 13, 20 and 27.

PLACE: Please call (850)921 2530 or SUNCOM 291-2530.

The **Agency for Health Care Administration** announces a meeting of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: Thursday, January 12, 2006, 10:00 a.m.

PLACE: Florida Hospital Association, 307 Park Lake Circle, Orlando, Florida 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, at (850)922-5861 at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing to: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at <http://ahca.myflorida.com/dhit/index.shtml> seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces an additional public hearing to which all persons are invited:

DATE AND TIME: January 19, 2006, 9:00 a.m. – 10:00 a.m.

PLACE: The Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida, 32312 (Contact Name and Number: Edwin Stephens, (850)413-8067)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule 59G-6.010, F.A.C., Payment Methodology for Nursing Home Services. The purpose of the proposed Rule 59G-6.010, F.A.C., is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan) payment methodology, effective July 1, 2005.

If you are unable to attend this public hearing, please forward your comments to: Edwin Stephens, e-mail: stephene@ahca.myflorida.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone Edwin Stephens, (850)413-8067, at least 48 hours before the hearing.

The **Agency for Health Care Administration** announces an additional public hearing to which all persons are invited:

DATE AND TIME: January 19, 2006, 10:00 a.m. – 11:00 a.m.

PLACE: The Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32312 (Contact Name and Number: Edwin Stephens, (850)413-8067)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The additional public hearing is for proposed Rule 59G-6.020, F.A.C., Payment Methodology for Inpatient Hospital Services, which published in Vol. 31, No. 42 of the Florida Administrative Weekly on October 21, 2005. The purpose of the proposed Rule 59G-6.020, F.A.C., is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan) payment methodology, effective July 1, 2005.

If you are unable to attend this public hearing, please forward your comments to: Edwin Stephens, e-mail: stephene@ahca.myflorida.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone Edwin Stephens, (850)413-8067, at least 48 hours before the hearing.

The **Agency for Health Care Administration** announces an additional public hearing to which all persons are invited:

DATE AND TIME: January 19, 2006, 11:00 a.m. – 12:00 Noon

PLACE: The Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32312 (Contact Name and Number: Edwin Stephens, (850)413-8067)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule 59G-6.030, F.A.C., Payment Methodology for Outpatient Hospital Services. The purpose of the proposed Rule 59G-6.030, F.A.C., is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement Plan (the Plan) payment methodology, effective July 1, 2005.

If you are unable to attend this public hearing, please forward your comments to: Edwin Stephens, e-mail: stephene@ahca.myflorida.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone Edwin Stephens, (850)413-8067, at least 48 hours before the hearing.

DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Thursday, January 26, 2006, 9:00 a.m.

PLACE: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301. (850)488-7082, ext. 1032. The meet-me telephone number is (850)414-0966 or SUNCOM 210-0966.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

VERBATIM RECORD OF MEETING: If any person decided to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA Notice: Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, ext. 1032, at least five working days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Landscape Architecture** announces the following meeting to which all persons are invited to attend.

DATE AND TIME: January 27, 2006, 9:00 a.m. Eastern Time.

PLACE: Hampton Inn & Suites, 19 South Second Street, Fernandina Beach, FL 32034; (904) 491-4911

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: Board of Landscape Architecture, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office at (850)487-8304 at least five calendar days prior to the meeting. If you are hearing or speech impaired,

please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Pilot Commissioners** announces the following meetings, to which all persons are invited to attend.

DATE AND TIME: January 12, 2006, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules Committee Meeting and Finance Committee Meeting immediately followed by Probable Cause Panel meeting, which portions may be closed to the public.

DATE AND TIME: January 13, 2006, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

PLACE: Sea Turtle Inn, 1 Ocean Boulevard, Atlantic Beach, FL 32233

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office at (850)922-6096 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees which all persons are invited.

DATE AND TIME: Wednesday, January 18, 2006, 8:30 a.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing the Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such

purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin at (850)521-0500.

The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Thursday, January 19, 2006, 8:30 a.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin at (850)521-0500.

The Florida **Board of Professional Engineers** announces a public telephone conference call to which all persons are invited.

DATE AND TIME: Friday, January 27, 2006, 10:00 a.m.

CONFERENCE CALL NUMBER: 1(866)895-8146

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by writing the Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin at (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting to conduct the business of the Board, including committee business to which all persons are invited.

DATES AND TIME: Wednesday, February 22, 2006, 8:30 a.m. and continuing on Thursday, February 23, 2006, 8:30 a.m. if business of the Board is not concluded.

PLACE: The Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida 32259

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Board.

A copy of the agenda may be obtained by writing the Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin at (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees which all persons are invited.

DATE AND TIME: Wednesday, March 15, 2006, 8:30 a.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing the Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin at (850)521-0500.

The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Thursday, March 16, 2006, 8:30 a.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin at (850)521-0500.

The Florida **Board of Professional Engineers** announces a public telephone conference call to which all persons are invited.

DATE AND TIME: Friday, March 24, 2006, 10:00 a.m.

CONFERENCE CALL NUMBER: 1(866)895-8146

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin at (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting to conduct the business of the Board, including committee business to which all persons are invited.

DATES AND TIME: Wednesday, April 19, 2006, 8:30 a.m. and continuing on Thursday, April 20, 2006, 8:30 a.m. if business of the Board is not concluded.

PLACE: The Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Board.

A copy of the agenda may be obtained by writing the Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul J. Martin at (850)521-0500.

The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees which all persons are invited.

DATE AND TIME: Wednesday, May 17, 2006, 8:30 a.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing the Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin at (850)521-0500.

The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Thursday, May 18, 2006, 8:30 a.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin at (850)521-0500.

The Florida **Board of Professional Engineers** announces a public telephone conference call to which all persons are invited.

DATE AND TIME: Friday, May 26, 2006, 10:00 a.m.

CONFERENCE CALL NUMBER: 1(866)895-8146

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licenser and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by writing the Florida Board of Professional Engineers, 2507 Callow Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul J. Martin at (850)521-0500.

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Monday, January 9, 2006, 9:30 a.m., or the soonest thereafter (Portions of the probable cause proceedings are not open to the public).

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida or Meet Me Number: (850)921-6599.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

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, any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation, Division of Real Estate** announces a meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 11, 2006, 9:30 a.m. or soonest thereafter

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Department – disciplinary proceedings regarding unlicensed activity.

The Hearing Officer for the Department will be participating via teleconference.

If a person decides to appeal a decision made by the Department, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation at (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, (800)955-8770 (Voice) and (800)955-8771 (TDD).

The **Florida Real Estate Commission (FREC)** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, January 17, 2006, 8:30 a.m.; meeting will reconvene on Wednesday, January 18, 2006, 8:30 a.m.

PLACE: Division of Real Estate; Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation at (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, (800)955-8770 (Voice) and (800)955-8771 (TDD).

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Thursday, January 19, 2006, 10:00 a.m. or the soonest thereafter. Portions of the probable cause proceedings are not open to the public

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.) at least five calendar days prior to the meeting. If you are hearing or speech impaired,

please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800) 955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The **Florida Department of Health** in collaboration with the **Florida Department of Elder Affairs** announces a public hearing to which all persons are invited.

DATE AND TIME: Monday, January 9, 2006, 1:00 p.m. – 5:00 p.m.

PLACE: Department of Elder Affairs, Room 225F, 4040 Esplanade Way, Tallahassee, FL 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Special Needs Shelter Interagency Committee meeting hosted by the Office of Long-Term Care Policy to develop and negotiate any necessary interagency agreement or policy related to improving the statewide response to special needs sheltering.

To obtain a copy of the agenda, or to submit information please contact: Karen Eaton by phone at (850)245-4740, by email at Karen_Eaton@doh.state.fl.us, or by mail at 4052 Bald Cypress Way, Bin C27, Tallahassee, Florida 32399-7000. All materials, information, or comments must be submitted electronically.

Note: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability, hearing or physical impairment should contact Karen Eaton at least five (5) calendar days prior to the meeting using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The **Department of Health** announces a meeting of the Research Review and Advisory Committee of the Bureau of Onsite Sewage Programs to which all persons are invited.

DATE AND TIME: January 11, 2006, 9:30 a.m.

PLACE: Polk County Health Department, Conference Room, Environmental Support Building, 2090 East Clower Street, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss current, proposed and potential future onsite sewage research projects, and review and rank proposed research contracts.

A copy of the agenda may be obtained by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, by phone at 850-245-4070, or by e-mail at Susan_Polangin@doh.state.fl.us.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Susan Polangin at the address above at least one week prior to the meeting.

The **Board of Chiropractic Medicine** Probable Cause Panel will hold a duly noticed meeting, to which all persons are invited to attend.

DATE AND TIME: Thursday, January 26, 2006, 9:30 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida at Meet Me Number (850)921-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board at (850)245-4355 at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing to: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Dentistry**, announces a meeting of the Anesthesia Committee to be held via telephone conference call. All interested parties are invited to participate in the telephone conference call, which is open to the public.

DATE AND TIME: January 5, 2006, 5:30 p.m.

PLACE: TELEPHONE NUMBER: (850)410-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Concerning Anesthesia Committee.

A copy of the agenda may be obtained by writing to Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida

Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474.

The **Department of Health, Board of Dentistry**, announces a meeting of the Council on Dental Hygiene, an official meeting to be held via telephone conference call. All interested parties are invited to attend the telephone conference call, which is open to the public.

DATE AND TIME: January 23, 2006, 5:30 p.m.

PLACE: TELEPHONE NUMBER: (850)410-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Dental Hygiene issues.

A copy of the agenda may be obtained by writing to Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474.

The Probable Cause Panel of the **Board of Massage Therapy** announces a meeting:

DATES AND TIMES: Wednesday, January 25, 2006 commencing at 6:00 p.m. or soon thereafter

PLACE: The Belleview Biltmore, 25 Belleview Blvd., Clearwater, FL 33756, (800)237- 8947

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing: Samantha DiConcilio, Department of Health, Prosecution Services, 4052 Bald Cypress Way, #C-65, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at: 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399; (800)955-8771 (TDD) or (800)955-8770 via Florida Relay Service.

The Florida **Board of Massage Therapy** will hold the following meeting to which all persons are invited:

DATES AND TIMES: Thursday, January 26, 2006, 9:00 a.m., or shortly thereafter, and Friday, January 27, 2006, 9:00 a.m. or shortly thereafter.

PLACE: The Belleview Biltmore, 25 Belleview Blvd., Clearwater, FL 33756, (800)237-8947

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)245-4161. You will be charged seventeen cents per page for the number of copies desired. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting.

Persons, who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The Florida **Board of Medicine** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, January 4, 2006, 12:00 Noon

PLACE: Meet me Number: Contact Florida Board of Medicine at (850)245-4131 for the meet me number.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine at (850)245-4131 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). A copy of the agenda may be obtained by writing to Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way., Bin #C03, Tallahassee, Florida 32399-3253. Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the

appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Expert Witness Committee announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, January 4, 2006, 12:30 or immediately following the Board of Medicine Conference
PLACE: CALL. Meet me Number: Contact Florida Board of Medicine at (850)245-4131 for the meet me number.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine at (850)245-4131 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing to Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way., Bin #C03, Tallahassee, Florida 32399-3253. Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine's**, Credentials Committee, announces a meeting to which all persons are invited.

DATE AND TIME: Saturday, January 21, 2006, 8:00 a.m. or soon thereafter.

PLACE: Marriott Orlando Airport, 7499 Augusta National Dr., Orlando, FL 32822, (407)851-9000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing to Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253. Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at this meeting because of a disability or

physical impairment should contact the Florida Board of Medicine at (850)245-4131 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, the Board of Occupational Therapy** announces a meeting of the board to which all persons are invited:

DATE AND TIME: January 30, 2006, 8:00 a.m. or soon thereafter.

PLACE: 4042 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel and General Business Meeting.

A copy of the agenda may be obtained by writing to Department of Health, Board of Occupational Therapy, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Pharmacy**, announces a conference call meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 4, 2006 10:00 a.m.

PLACE: Conference Call Meeting (800)416-4132 or (850)922-7892

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Chair and Vice-Chair will meet to discuss reorganization of Committee assignments for Board members and business procedures for 2006.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4292 at least five calendar days prior to the meeting. If you are hearing or

speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Council of Licensed Midwifery** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, January 13, 2006, 8:30 a.m. or soon thereafter

PLACE: Meet me Number: Contact the Council of Licensed Midwifery at (850)245-4161 for the meet me number.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Council of Licensed Midwifery, (850)245-4161 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, (800)955-8770 (Voice) and (800)955-8771 (TDD).

A copy of the agenda may be obtained by writing to: Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, the Board of Respiratory Care** announces a meeting of the board to which all persons are invited:

DATE AND TIME: January 13, 2006, 8:30 a.m., or soon thereafter.

PLACE: 4042 Bald Cypress Way, Room 301, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing to Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at

(850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, January 13, 2006, the Council is conducting a conference call commencing at 10:00 a.m. or soon thereafter.

PLACE: The call in phone number is (850)922-2903 or suncom 292-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants (850)245-4131 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing to JoAnne Davis-Trexler, Supervisor/Consultant, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253. If any person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

The **Department of Health** announces the following meetings of the Variance Review and Advisory Committee for Onsite Sewage Treatment and Disposal Systems to examine variance applications received by the 15th of the previous month and to provide input regarding any Rule issues requested by the Technical Review and Advisory Panel.

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

PLACE: Osceola County Administration Building, Suite 4100, 1 Courthouse Square, Kissimmee, Florida

DATE AND TIME: Thursday, February 2, 2006, 10:00 a.m.

PLACE: Marion County Health Department, Auditorium, 1801 SE 32nd Avenue, Ocala, Florida

DATE AND TIME: Thursday, March 2, 2006, 10:00 a.m.

PLACE: Osceola County Administration Building, Suite 4100, 1 Courthouse Square, Kissimmee, Florida

DATE AND TIME: Thursday, April 6, 2006, 10:00 a.m.
 PLACE: Lecanto Governmental Complex, Conference Room A, 3650 West Sovereign Path, Lecanto, Florida

DATE AND TIME: Thursday, May 4, 2006, 10:00 a.m.
 PLACE: Department of Environmental Protection, Carr Building, Conference Room 170, 3800 Commonwealth Boulevard, Tallahassee, Florida

DATE AND TIME: Thursday, June 1, 2006, 10:00 a.m.
 PLACE: Osceola County Administration Building, Suite 4100, 1 Courthouse Square, Kissimmee, Florida

DATE AND TIME: Thursday, July 6, 2006, 10:00 a.m.
 PLACE: Lecanto Governmental Complex, Conference Room A, 3650 West Sovereign Path, Lecanto, Florida

DATE AND TIME: Thursday, August 3, 2006, 10:00 a.m.
 PLACE: Volusia County Health Department, Conference Room 516A, 1845 Holsonback Drive, Daytona Beach, Florida

DATE AND TIME: Thursday, September 7, 2006, 10:00 a.m.
 PLACE: Lecanto Governmental Complex, Conference Room A, 3650 West Sovereign Path, Lecanto, Florida

DATE AND TIME: Thursday, October 5, 2006, 10:00 a.m.
 PLACE: Osceola County Administration Building, Suite 4100, 1 Courthouse Square, Kissimmee, Florida

DATE AND TIME: Thursday, November 2, 2006, 10:00 a.m.
 PLACE: Volusia County Health Department, Conference Room 516A, 1845 Holsonback Drive, Daytona Beach, Florida

DATE AND TIME: Wednesday, December 6, 2006, 10:00 a.m.
 PLACE: Department of Environmental Protection, Carr Building, Conference Room 170, 3800 Commonwealth Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To examine applications for variance from the requirements of Chapter 64E-6, Florida Administrative Code, entitled "Standards for Onsite Sewage Treatment and Disposal Systems" pursuant to Section 381.0065(3)(d), Florida Statutes and to provide input on any rule issues requested by the Technical Review and Advisory Panel pursuant to Section 381.0068(2), Florida Statutes.

A copy of the agenda may be obtained ten days prior to each meeting date by writing to Gerald R. Briggs, Chief, Bureau of Onsite Sewage Programs, Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713. Any person requiring a special accommodation at one of these meetings because of disability or physical impairment should contact Shirley Kugler at (850)245-4070 at least two weeks prior to the meeting.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Families** announces a meeting of the Florida Interprogram Task Force addressing the implementation of *Florida's State Plan for the Prevention of Child Abuse, Abandonment, and Neglect: July 2005-June 2010*. The meeting will be held in Tallahassee, FL.

DATE AND TIME: January 26, 2006, 9:00 a.m. – 4:00 p.m.
 PLACE: 4042 Bald Cypress Way, Southwood Office Complex, Room 301, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued subcommittee roles, update on activities since the last meeting, District and Subcommittee action plans, Progress Report planning, and marketing strategies.

A copy of the agenda may be obtained from Julie Helter at (850)488-4768.

Persons with disabilities who require assistance to participate in the meeting are requested to notify Julie Helter at least 48 hours in advance so that their needs can be accommodated.

FLORIDA HOUSING FINANCE CORPORATION

The **Affordable Housing Study Commission** announces a conference call.

DATE AND TIME: January 9, 2006, 10:00 a.m. – Noon
 PLACE: DIAL-IN INFORMATION: Local (Tallahassee) – (850)413-9245, SunCom – 293-9245, Toll Free – (877)651-3473

Callers in the Tallahassee area should NOT use the Toll Free number. Use only the local number (or the SunCom number if it's available to you).

There is no "code number" for this call – just call the appropriate number for your location. The call will not be established until at least two people have called in. The first person will hear a constant ringing until at least one other person calls; other people will be added as they call.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Study Commission's Capacity Workgroup will be continuing its work on the development of components of a statewide comprehensive preservation policy.

For questions, please contact Odetta MacLeish-White at Florida Housing Finance Corporation at (850)488-4197. For agendas and updates, please visit our website at www.floridahousing.org/ahsc.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: If you are hearing or speech impaired, please contact Florida Housing using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Affordable Housing Study Commission** announces a conference call.

DATE AND TIME: January 17, 2006, 11:00 a.m. – 1:00 p.m.

PLACE: DIAL-IN INFORMATION: Local (Tallahassee) – (850)413-9245, SunCom – 293-9245, Toll Free – (877)651-3473

Callers in the Tallahassee area should NOT use the Toll Free number. Use only the local number (or the SunCom number if it's available to you).

There is no “code number” for this call – just call the appropriate number for your location. The call will not be established until at least two people have called in. The first person will hear a constant ringing until at least one other person calls; other people will be added as they call.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Study Commission's Finance Workgroup will be continuing its work on the development of components of a statewide comprehensive preservation policy.

For questions, please contact Odetta MacLeish-White at Florida Housing Finance Corporation at (850)488-4197. For agendas and updates, please visit our website at www.floridahousing.org/ahsc.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: If you are hearing or speech impaired, please contact Florida Housing using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Florida Fish and Wildlife Conservation Commission** (FWC) announces a series of regional Blue Crab Limited Entry Endorsement appeal hearings for the blue crab fishery.

DATES AND TIME: January 3-4, 2006, 8:00 a.m. – 5:00 p.m.

PLACE: Hampton Inn, 548 Chaffee Point Blvd., Jacksonville, Florida 32221

DATES AND TIME: January 5-6, 2006, 8:00 a.m. – 5:00 p.m.

PLACE: Plantation Inn, 9301 West Fort Island Trail, Crystal River, Florida 34429

DATES AND TIME: January 10-11, 2006, 8:00 a.m. – 5:00 p.m.

PLACE: Florida Fish and Wildlife Commission, Fish and Wildlife Research Institute, 100 Eighth Ave., S.E., St. Petersburg, Florida 33701

DATES AND TIME: January 17-18, 2006, 8:00 a.m. – 5:00 p.m.

PLACE: Hampton Inn, 4760 Helen Hauser Blvd., Titusville, Florida 32780

DATES AND TIME: January 24-26, 2006, 8:00 a.m. – 5:00 p.m.

PLACE: Career and Service Center of Southwest Florida, Workforce Council Training Room, 4150 Ford St. Extension, Fort Myers, Florida 33916

DATES AND TIME: February 8, 2006, 8:00 a.m. – 5:00 p.m.

PLACE: Florida Fish and Wildlife Conservation Commission South Regional Office, 8535 Northlake Blvd., West Palm Beach, Florida 33412

DATES AND TIME: February 9, 2006, 9:00 a.m. – 6:00 p.m.

PLACE: First National Bank of Homestead, Pioneer Room, 1550 North Krome Ave., Homestead, Florida 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these regional proceedings is to hear individual appeals by blue crab fishery participants who have been denied a Blue Crab Limited Entry Endorsement. The hearings will allow these participants the opportunity to establish requisite blue crab landings or present extenuating circumstances that would qualify them for the endorsement.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend these hearings is asked to advise the agency at least 5 calendar days before the hearing by contacting the ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact Jasmine MacPherson, at 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)922-4340.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services** announces a public meeting of the Florida **Board of Funeral, Cemetery and Consumer Services'** Disaster Committee, to which all persons are invited.

DATE AND TIME: January 4, 2006, 10:00 a.m. – 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Committee Business

PLACE: Department of Financial Services, Mary Grizzle Building, Suite 142B, 11351 Ulmerton Road, Largo, FL 33778

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

At least 7 days before each meeting, a copy of the agenda of the meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery & Consumer Services (www.fldfs.com/FuneralCemetery).

A copy of the agenda may also be obtained by writing to: Dept of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee FL 32399-0361, or by calling Ms Bryant at (850)413-3039.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant at (850)413-3039 at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service at 1(800)955-8771 (TDD); or 1(800)955-8770 (Voice), for assistance.

The **Department of Financial Services** announces a telephone conference of the Florida Board of Funeral, Cemetery and Consumer Services, to which all persons are invited.

DATE AND TIME: January 12, 2006, 9:00 a.m. – 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

PLACE: Department of Financial Services, Alexander Building, Suite 2100, 2020 Capital Circle, S.E., Tallahassee, FL 32301

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

At least 7 days before each meeting, a copy of the agenda of the meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery & Consumer Services (www.fldfs.com/FuneralCemetery).

A copy of the agenda may also be obtained by writing to: Dept of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee FL 32399-0361, or by calling Ms Bryant at (850)413-3039.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant at (850)413-3039 at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service at 1(800)955-8771 (TDD); or 1(800)955-8770 (Voice), for assistance.

The **Department of Financial Services** announces a public meeting of the Florida Board of Funeral, Cemetery and Consumer Services' Rules Committee, to which all persons are invited.

DATE AND TIME: January 12, 2006, 9:30 a.m. – 3:00 p.m.

PLACE: Department of Financial Services, Alexander Building, Suite 2100, 2020 Capital Circle, S.E., Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Rules Committee Business.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

At least 7 days before each meeting, a copy of the agenda of the meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery & Consumer Services (www.fldfs.com/FuneralCemetery).

A copy of the agenda may also be obtained by writing to: Dept of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee FL 32399-0361, or by calling Ms Bryant at (850)413-3039.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant at (850)413-3039 at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service at 1(800)955-8771 (TDD); or 1(800)955-8770 (Voice), for assistance.

The **Department of Financial Services** announces a meeting of the Task Force on Long-Term Solutions for Florida's Hurricane Insurance Market to which all interested persons are invited.

DATES AND TIMES: January 18, 2006, 9:00 a.m. – 5:00 p.m., January 19, 2006, 9:00 a.m. – 2:00 p.m.

PLACE: Florida International University, Biscayne Bay Campus, Wolfe University Center, Room 155, 3000 N.W. 151 Street, Miami, FL 33181

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentations and Task Force Discussion and general business of the Task Force.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Patty Cromartie at (850)413-2866 or Robbie Simpson at (850)413-2963, at least five calendar days prior to the meeting. A copy of the agenda may be viewed at www.fldfs.com/HurricaneInsuranceTaskForce or obtained by contacting Patty Cromartie at (850)413-2866 or Robbie Simpson at (850)413-2963.

A map of the Florida International University – Biscayne Bay Campus is located at: http://www.fiu.edu/docs/campus_maps.htm

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: January 11, 2006, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing to approve for adoption proposed amendments to Rules 69O-170.005, .006, .007, .013, .0135, .014, .0141, .0142, .0143, .0155, Florida Administrative Code, published on July 1, 2005, in Vol. 31, No. 26, of the Florida Administrative Weekly, No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Frank Dino at E-mail: frank.dino@fldfs.com.

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: January 11, 2006, 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing to approve for adoption proposed amendments to Rule 69O-170.0155, Florida Administrative Code, published on October 28, 2005 in Vol. 31, No. 43, of the Florida Administrative Weekly, No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Michael Milnes at E-mail michael.milnes@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-170.0155 Forms.

The following forms are hereby adopted and incorporated by reference:

(1)(a) OIR-B1-582, "Universal Standardized Data Letter," (Rev. 07/03).

(b) Form OIR-B1-583, "Florida Expense Supplement Calculation of Company Loss Cost Multiplier," (Rev. 07/03).

(c) Form OIR-B1-595, "Florida Expense Supplement for Independent Rate Filings," (Rev. 07/03).

(d) Form OIR-B1-1102, "Florida Homeowners Rating Examples/Annual Rates," (Rev. 07/03).

(e) Form OIR-B1-1103, "Florida – Statewide Rate Level Effect/Homeowners," with its instructions, (Rev. 07/03).

(f) Form OIR-B1-1104, "Florida – Rate Level Effect by Type by Territory/ Homeowners," with its instructions, (Rev. 07/03).

(g) Form OIR-B1-1193, "Florida Dwelling Rating Examples/Annual Rates," (Rev. 07/03).

(h) Form OIR-B1-1194, "Florida – Statewide Rate Level Effect/Dwelling," with its instructions, (Rev. 07/03).

(i) Form OIR-B1-1195, "Florida – Rate Level Effect by Type by Territory/Dwellings," with its instructions, (Rev. 07/03).

(j) OIR-B1-1655, "Notice of Premium Discounts for Hurricane Loss Mitigation", (New 10/01/05).

(2) All Office of Insurance Regulation forms may be obtained from:

(a) The Department of Financial Service's web site located at <https://www.fldfs.com>; or

(b) The Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0330, (850)413-3146.

Specific Authority 624.308(1), 627.711 FS. Law Implemented 624.307(1), 624.424, 627.062, 627.0645, 627.711 FS. History–New 6-19-03, Formerly 4-170.0155, Amended.

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: January 11, 2006, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing to approve for adoption proposed new Rule 69O-125.005, Florida Administrative Code, published on July 1, 2005, in Vol. 31, No. 26, of the Florida Administrative Weekly, No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Michael Milnes at E-mail michael.milnes@fldfs.com.

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: January 11, 2006, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing to approve for adoption proposed amendments to Rule 69O-175.003, Florida Administrative Code, published on July 1, 2005, in Vol. 31, No. 26, of the Florida Administrative Weekly, No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Frank Dino at E-mail frank.dino@fldfs.com.

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meetings:

MEETING: Standards Taskforce

DATE AND TIME: Friday, January 13, 2006, 9:00 a.m. – 1:00 p.m.

PLACE: Radisson Parkway Resort, 2900 Parkway Blvd., Kissimmee, Florida 34747

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, telephone (850)488-5624 or toll free (877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

FLORIDA HEALTHY KIDS CORPORATION

The **Florida Healthy Kids Corporation** announces its Board of Directors Meeting to which all persons are invited to attend.

DATE AND TIME: January 19, 2006, 10:00 a.m.

PLACE: Nemours Children's Clinic, 807 Children's Way, 10th Floor, Auditorium, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board of Directors.

Please contact Amber Floyd at floyda@healthykids.org or (850) 224-5437 to confirm your attendance and for additional meeting information.

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."

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition for a Declaratory Statement from Global Tel*Link Corporation. The petition requests that the Commission declare that subsection 25-24.515(22), F.A.C., does not require Global to connect outgoing local and long distance inmate calls for a minimum elapsed time of ten minutes when doing so would violate the practices and procedures of a confinement facility and would allow inmates to complete calls that are not allowed by the confinement facility. A copy of the petition may be obtained by writing to the Division of the Commission Clerk and Administrative Services, 4075 Esplanade Way, Tallahassee, FL 32399-0862 or at <http://www.psc.state.fl.us/psc/dockets/>.

DOCKET NO. 050892-TP.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS GIVEN that the Agency for Health Care Administration has received a petition for declaratory statement from The Cordus Corporation. The petition seeks the Agency's opinion as to whether a corporation providing coordination of donation activities and the collection, processing, distribution and storage of human blood and blood products for transfusion and other medical uses is subject to regulation and licensure by the Agency for Health Care Administration and the State of Florida pursuant to Section 765.542, Florida Statutes (2005) and Rule 59A-1.003, Florida Administrative Code (2005) (dealing with certification of tissue banks), Section 381.06014, Florida Statutes (2005) (dealing with cord blood banks who examine individuals for blood donation) and Sections 400.9905 and 400.991, Florida Statutes (2005) (dealing with the definition of a "clinic"). The corporation accepts donated umbilical cord blood which is used to obtain stem cells that may be used to treat patients. The

Petitioner is asking the Agency to issue a declaratory statement agreeing that the corporation would not be subject to regulation by the Agency for Health Care Administration.

A copy of the petition may be obtained by writing to: Richard J. Shoop, Esquire, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #3, Tallahassee, Florida 32308. Please refer all comments to: Joan Fowler, Esquire, Assistant General Counsel, Agency for Health Care Administration, 2295 Victoria Ave., Room 346C, Fort Myers, FL 33901.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Orthotists and Prosthetists hereby gives notice that it has received a Petition for Declaratory Statement filed on August 3, 2005 by Robert E. Norsen, Jr. The Petitioner seeks the Board’s guidance concerning a scope of practice issue relating to Section 468.80 (“Definitions”), Florida Statutes. This includes a request that the Board issue a Declaratory Statement providing guidance in terms of the Board’s interpretation of Subsections (5), (7) and (9). Concerning these Subsections, the Petitioner asks whether the provision of L5000 (partial foot, shoe insert with longitudinal arch, toe filler) falls within the scope of practice for an orthotic fitter.

Copies of the petition may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

**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

INVITATION TO BID

The Florida State University Facilities Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:
Florida State University

Attn: B. J. Lewis, Purchasing Agent
Facilities Maintenance, Purchasing
114F Mendenhall Building A
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

Bid Number: FAC71-05
Purchasing Agent: B.J. Lewis, Facilities
MANATORY PRE BID: January 5, 2006, 10:00 a.m.
LOCATION: Edward Ball Marine Lab/Turkey Point/Bldg 462
Public Bid Opening: January 17, 2006, 2:00 p.m.
FSU-Facilities Maintenance
116 Mendenhall Hall, Building A
Tallahassee, Florida 32306-4150
Facilities Maintenance Purchasing

Bid Documents: Re-roofing Edward Ball Marine Lab, Turkey Point, St. Teresa, Florida

Special Pre-qualification Package: All Contractors interested in bidding this project must be pre-qualified. Special pre-qualification package may be obtained from the Architect's office. This package is to be completed and turned in to the Architect at the time of the Mandatory Pre-bid Meeting.

Contact: Architect: Manausa Lewis & Dodson Architects; (850)385-9200

Prequalification Package; Project Manual; Drawings

CALL FOR BIDS

The University of West Florida Board of Trustees is soliciting sealed bids for the following:

Bldg 20E&W Window and Fascia Replacement

A Mandatory Pre-Solicitation Conference will be held January 5, 2006, 2:00 p.m. CST in Bldg 8, Room 117, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514

All bidders are required to attend the pre-solicitation conference. Potential subcontractors are invited to attend to become familiar with the project specifications and to become acquainted with contractors who may bid the project.

Sealed bids will be received until January 17, 2006, 2:00 p.m. CST at the Office of Procurement and Contracts, Bldg. 8, Room 102, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Bid number: 05/ITB-11/ES must be marked on outside of bid package. The University is not responsible for unopened bid packages at the bid opening when the package is not properly identified. Bids must be submitted in full and in accordance with the requirements of all terms and conditions of the Invitation to Bid.

View this solicitation and related information on the Office of Procurement and Contracts' website at: <http://uwf.edu/procurement>.

A CD containing plans and specifications may be obtained from The Office of Procurement and Contracts at The University of West Florida. Contact: Elaine Smith at etsmith@uwf.edu or (850)474-2627 to arrange pick up.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation District 5 is soliciting bids to build a Records Storage Building, described below. Sealed bids will be accepted until 2:00 p.m. (local time) Tuesday January 24, 2006 at: Florida Department of Transportation District Five Office, 719 S. Woodland Boulevard, DeLand, Florida 32720, District Contracts Office, 4th floor, Room 4C32. Mailed bids, regular or overnight, must be received in the District Five mailroom by the 2:00 p.m.

deadline. Address mailed Packages: "Sealed Bid, MS522P, Attention: Vickie Wyche." Bids will be publicly opened and read aloud on:

DATE AND TIME: Tuesday, January 24, 2006, shortly after the 2:00 p.m. deadline

PLACE: Florida Department of Transportation, District Five Office, 719 S. Woodland Boulevard, DeLand, Florida 32720

STATE PROJECT NUMBER: 418080-1-52-01; Contract Number: E-5L01

NOTE: CONTRACT EXECUTION BY THE DEPARTMENT AND WORK BEGIN DATE IS CONTINGENT ON FINAL PLANS APPROVAL BY THE CITY. CONTRACTORS SHOULD CONSIDER THE ADDITIONAL TIME WHEN PREPARING THEIR BIDS.

The Location for the Storage Building will be on the back lot of the DeLand District Office Complex Building, located at 719 S. Woodland Blvd., DeLand, FL. 32720. The project consists of building a 50'x 90', cement block storage building with a pre-finished standing seam metal roof system. The majority of interior space will be open storage except for a mechanical room and one unisex restroom.

A MANDATORY PRE-BID CONFERENCE is scheduled for Tuesday, January 10, 2006, 10:00 a.m. (local time), at the DeLand District Office Complex Building, 719 S. Woodland Blvd., DeLand, Florida, in the Osceola Conference Rm. 4th Floor, Telephone (386)943-5000. ANY CONTRACTOR WHO FAILS TO ATTEND THIS MANDATORY PRE-BID MEETING WILL NOT BE ELIGIBLE TO BID THIS PROJECT. Agency representatives will be present to discuss the Plans, Specifications, and Contract Documents for this project.

PREQUALIFICATION: Each bidder shall submit with the bid a copy of their current General or Building Contractors License issued by the State of Florida and, if a Florida Corporation, a copy of their Corporate Charter as pre-qualification to submit a bid. After the bid opening, the Department will verify that the lowest responsible bidder meets qualifications in accordance with Rule 60D-5.004, F.A.C.

PLANS AND SPECIFICATIONS/BID DOCUMENTS: All orders for Plans and Specifications must be submitted on the Departments Fax Order Form and is available at the District Contracts Web-Site <http://www.dot.state.fl.us/contracts/administrationdistrict5> or by contacting Vickie Wyche in the District Contracts Office, 719 S. Woodland Boulevard, DeLand, Florida 32720. Telephone (386)943-5525.

NOTE: Proposal documents will be issued at the Mandatory Pre-Bid Conference scheduled at 10:00 a.m. (local time), Tuesday, January 10, 2006, and will not be issued afterward. Bids must be submitted in full accordance with the requirements of the Plan Drawings, Specifications, Bidding Conditions and Contractual Conditions. Requirements for project:

1. **MINORITY PROGRAM:** The Department encourages the recruitment and utilization of certified and non-certified minority businesses. The Department, its contractors, suppliers, and consultants should take all necessary and reasonable steps to ensure that minority businesses have an opportunity to compete for and perform contract work for the Department in a nondiscriminatory environment.

2. **BID BOND:** If the bid on a project exceeds \$100,000, the bidder must provide with their bid, a good faith deposit in the amount of five percent (5%) of the bid. This may be accomplished by way of a bid bond from a surety insurer authorized to do business in this State as surety, a certified check made payable to Florida Department of Transportation, a cashier's check, treasurer's check or bank draft of any national or state bank. A bid bond, check or draft in an amount less than five per cent (5%) of the actual bid will invalidate the bid. Bid bonds shall conform to the (Exhibit) furnished with the proposal forms.

3. **PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:** If the contract award amount exceeds \$100,000, a Performance Bond and Labor and Material Payment Bond for the full amount will be required.

4. **BID POSTING:** Unless otherwise notified in writing, the Summary of Bids and Notice of Intent to award will be posted on Wednesday, January 25, 2006, 8:00 a.m. in the Main Lobby of the DeLand District Office, 719 S. Woodland Boulevard, DeLand, Florida. In the event that the Summary of Bids and Notice of Intent to award cannot be posted on this date, all bidders will be notified by certified United States mail or express delivery, return receipt requested or by fax transmission, receipt acknowledged. Information concerning posting may be obtained by calling the District Contracts Office at (386)943-5525.

5. **BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS:** A notice of protest of the terms, conditions, and specifications of this Bid Solicitation shall be filed in writing within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the notice of decision or intended decision. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent. A formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Section 120.57(3), F.S., and Chapter 28-110, F.A.C. The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida

32399-0458. Failure to file a protest within the time prescribed in Section 120.57(3), F.S., shall constitute a waiver of proceedings under Chapter 120, F.S.

The Department reserves the right to reject any or all bids.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

REGIONAL PLANNING COUNCILS

DIXIE COUNTY COMMUNITY TRANSPORTATION COORDINATOR

Request for Letters of Interest

The North Central Florida Regional Planning Council, is seeking letters of interest and statements of qualifications from agencies or firms interested in coordinating transportation services for the transportation disadvantaged in Dixie County, Florida. The selected contractor will be the designated Community Transportation Coordinator for Florida's Transportation Disadvantaged Program, as authorized by Chapter 427, F.S., and more fully described in Chapter 41-2, Florida Administrative Code. Experience with eligibility-based transportation services is required.

The Community Transportation Coordinator is defined by Chapter 427, F.S. as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427, F.S. as "those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life sustaining activities, or children who are handicapped or high-risk or at-risk as defined in Section 411.202, F.S."

Interested providers are required to provide proof of qualifications in the following areas: coordination experience, scheduling and routing software used by the organization and vehicle acquisition. Letters of interest and qualifications should be limited to four (4) pages.

Potential providers should submit their expression of interest and qualifications in a sealed envelope to: North Central Florida Regional Planning Council, ATTENTION: Charles F.

Justice, Executive Director, 2009 N.W. 67 Place, Suite A, Gainesville, Florida 32653-1603. Letters must be marked, "LETTER OF INTEREST AND QUALIFICATIONS FOR DIXIE COUNTY COMMUNITY TRANSPORTATION COORDINATOR. Letters of interest and qualifications must be received by 5:00 p.m., January 12, 2006.

Faxed and e-mailed responses will not be accepted. Late letters will be returned unopened with the notation, "This letter of interest was received after the delivery time designated for receipt and opening in the legal notice." Only responses to the request for letters of interest will be considered if a request for proposals is issued for Community Transportation Coordinator. The North Central Florida Regional Planning Council reserves the right to accept or reject any and all responses in the best interest of the State.

GILCHRIST COUNTY COMMUNITY TRANSPORTATION COORDINATOR

Request for Letters of Interest

The North Central Florida Regional Planning Council, is seeking letters of interest and statements of qualifications from agencies or firms interested in coordinating transportation services for the transportation disadvantaged in Gilchrist County, Florida. The selected contractor will be the designated Community Transportation Coordinator for Florida's Transportation Disadvantaged Program, as authorized by Chapter 427, F.S., and more fully described in Chapter 41-2, Florida Administrative Code. Experience with eligibility-based transportation services is required.

The Community Transportation Coordinator is defined by Chapter 427, F.S., as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427, F.S., as "those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life sustaining activities, or children who are handicapped or high-risk or at-risk as defined in Section 411.202, F.S."

Interested providers are required to provide proof of qualifications in the following areas: coordination experience, scheduling and routing software used by the organization and vehicle acquisition. Letters of interest and qualifications should be limited to four (4) pages.

Potential providers should submit their expression of interest and qualifications in a sealed envelope to: North Central Florida Regional Planning Council, ATTENTION: Charles F. Justice, Executive Director, 2009 N.W. 67 Place, Suite A, Gainesville, Florida 32653-1603. Letters must be marked, "LETTER OF INTEREST AND QUALIFICATIONS FOR GILCHRIST COUNTY COMMUNITY TRANSPORTATION COORDINATOR. Letters of interest and qualifications must be received by 5:00 p.m., January 12, 2006.

Faxed and e-mailed responses will not be accepted. Late letters will be returned unopened with the notation, "This letter of interest was received after the delivery time designated for receipt and opening in the legal notice." Only responses to the request for letters of interest will be considered if a request for proposals is issued for Community Transportation Coordinator. The North Central Florida Regional Planning Council reserves the right to accept or reject any and all responses in the best interest of the State.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES

PROJECT NUMBER: DOH 70436100

PROJECT NAME: LEE COUNTY HEALTH
DEPARTMENT – FT. MYERS/PONDELLA CLINIC

SAMAS NO. 64-30-1-000319-64200700-00-084093-05

PROJECT LOCATION: FT. MYERS, FLORIDA

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction requests qualifications from construction management firms to provide construction management services for this project. The construction budget for this project is up to \$5.3 Million. Overall Project consists of site preparation, and construction of a 27,000 GSF public health clinic, and may consist of several Phases negotiated as separate GMP deliverables. First anticipated construction start date is June 2006. Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria of Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit Four (4) copies of their application with a table of contents and tabbed sections in the following order:

1. Letter of interest detailing the firm's qualification to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. References from prior clients received within the last five years.

Response Due Date: Thursday, January 5, 2005, by 4:00 p.m.

Applications are to be sent to: James A. Chandonia, Project Manager, Department of Health, 4052 Bald Cypress Way, Bin #B06, Tallahassee, FL 32399-1734, phone (850)245-4444 ext. 3168.

All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications which do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, F.A.C. and Section 287.055, F.S. The Department of Health shall shortlist a minimum of three (3) firms.

Phases to be implemented are dependent on the availability of funding subject to actions of the Florida Legislative process and at sole discretion of the Department of Health.

**NOTICE TO PROFESSIONAL CONSULTANTS
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL
SERVICES FOR
ARCHITECTURE-ENGINEERING**

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction, announces that professional services are required for the project listed below. Applications being sent via the U. S. Mail or via overnight express service shall be sent to, James Chandonia, Senior Architect, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, BIN # B06, Tallahassee, Florida 32399-1734, phone (850)245-4444, ext. 3168; Facsimile (850)410-1474.

PROJECT NUMBER: 70436100
PROJECT NAME: LEE (FT. MYERS) CHD - PONDELLA CLINIC

SERVICES TO BE PROVIDED: Architecture-Engineering

ESTIMATED CONSTRUCTION BUDGET: \$5,263,200.00

SAMAS NO: 64-30-1-000319-64200700-00-084093-05

RESPONSE DUE DATE: January 5, 2005 by 4:00 p.m.

INSTRUCTIONS: Submit three (3) bound copies of the following information: *

1. Table of contents
2. Letter of interest
3. A copy of the current Department of Health Professional Qualifications Supplement (PQS) Form DBC5112 Revised 10/97. A copy can be obtained by calling (850)245-4066.
4. A copy of the firm's current Florida Professional License registration. (Proper registration at the time of application is required).
5. (CORPORATIONS ONLY) Current Corporate Certificate providing evidence of validation date and designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
6. Completed Standard Form 254
7. Completed Standard Form 255

*In Article Eight, Work by Firm or Joint-Venture Members, list only projects designed, under construction, and/or completed within the past five (5) years.

8. A stamped self-addressed if the applicant would like a Notice of Selection result.

* All applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and any section dividers. However, this is not a mandatory requirement.

EVALUATION: All proposals submitted shall become the property of the Department of Health. The submitted proposals will be placed on file and not returned. Any proposals that do not comply with the above instructions as set forth and/or do not include the required qualification data will be considered improper and disqualify the applicant. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, F.A.C. and Section 287.055, F.S.

SHORTLIST SELECTION PROCESS: From the proposals received, the department shall shortlist a minimum of three (3) firms.

FLORIDA HOUSING FINANCE CORPORATION

Amended Notice for Request for Proposals
2005-08 for the Development and Rehabilitation of
Farmworker Housing

Proposals shall be accepted until 2:00 p.m., Friday, March 17, 2006, to the attention of Robin Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The previous notice published on 12/16/2005, Vol/No. 31/50, stated that proposals shall be accepted until 2:00 p.m., Eastern Time, Friday, March 18, 2006.

FLORIDA COALITION FOR CHILDREN

Request for Information

The purpose of this request for information is to determine what options are available to the Florida Coalition for Children to develop a comprehensive risk management program for its members. Our membership includes Community Based Care Lead Agencies and Service Providers in Florida’s child welfare system. The Coalition is seeking a working partnership with an insurance entity to help the Coalition manage the risk issues and establish a viable self-insurance program. The Coalition is willing to entertain many different approaches to the development of the risk management program.

For a copy of the RFI please visit our website at www.FloridaCoalitionforChildren.com, write us at 864 E. Park Avenue, Tallahassee, Florida 32301, email mike@floridacoalitionforchildren.com, or call (850)561-1102.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The Florida Automobile Joint Underwriting Association announces the release of a Request for Proposal to perform as Servicing Carrier for the FAJUA.

The following outlines the Association’s requirements for servicing carrier eligibility. In order to be eligible as an FAJUA servicing carrier, an insurer must:

1. Be authorized to write automobile physical damage and liability insurance on both private passenger and commercial motor vehicles in Florida; and
2. Have a policyholder surplus of not less than \$10,000,000, as of 12/31/04; and
3. Be licensed and writing automobile physical damage and liability insurance on both private passenger and commercial motor vehicles during the calendar year completed immediately prior to application;
4. And have an A.M. Best’s financial rating not less than B+.

Additional information may be obtained from Lisa Stoutamire, 1425 Piedmont Drive East, #201A, Tallahassee, FL, (850)681-2003, lstoutamire@fajua.org.

SARASOTA COUNTY PUBLIC HOSPITAL BOARD

ANNOUNCEMENT OF INTENT

TO CONTRACT FOR ARCHITECTURAL AND ENGINEERING PROFESSIONAL SERVICES for a New Bed Tower and Central Energy Plant for the SARASOTA COUNTY PUBLIC HOSPITAL BOARD SARASOTA MEMORIAL HOSPITAL SARASOTA, FLORIDA

The Sarasota County Public Hospital Board of Sarasota County, Florida is accepting statements of qualifications from Architectural/Engineering Consulting Firms under the provisions of the Consultants’ Competitive Negotiation Act, Section 287.055, F.S. The scope of work may include planning,

programming, schematic design, design development, construction documents, and construction administration for architectural, mechanical, electrical, structural and site design work for construction of approximately 300,000 sq. ft to include an eight story bed tower, the relocation of a 30,000 sq. ft. Central Energy Plant and the demolition of approximately 300,000 sq. ft. of existing hospital space.

Firms qualified to submit include Architectural/Engineering firms or an association of firms under the direction of the Architect. Services required may include architectural, mechanical, electrical, structural, demolition, infection control, landscape and civil design and engineering. Firms interested in being considered as candidates are required to submit five bound submittals of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Florida Professional and Corporate Registration certificates.
2. Completed GSA Standard Forms 254 and 255.
3. Proof of General and Professional Liability Insurability.
4. A separate statement as to whether the firm is a certified Small and/or Minority Business Enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985.
5. Examples of related projects.
6. Any additional information to be included at the discretion of the submitting firm.

Comments:

1. The Hospital reserves the right to reject any or all submittals. No fewer than three qualified firms will be short listed. These candidates may be asked to make final presentations to the selection committee.
2. Considerations in the selection of candidates include: the firm’s recent related design experience, location and ability to respond rapidly, and qualifications of personnel.
3. The final product of all design services shall include digital data in the form of compact disks AutoCad 2002 compatible. Including plot set up files.
4. Questions regarding submissions shall be directed to Thomas Perigo, Construction Manager (941)917-2048 or Bill Shevlin, Construction Manager (941)917-1899.
5. No submittals will be accepted by fax or email.
6. Submissions shall be titled “New Bed Tower and Central Energy Plant” and shall be submitted no later than 3:30 p.m., Thursday, January 12, 2006 to:
 Construction and Renovations Services
 1700 South Tamiami Trail
 Sarasota, FL 34239-3555
 Attn: Tom Perigo, Construction Manager
 and
 Bill Shevlin, Construction Manager

7. Proposers, their agents, and associates shall not contact or solicit any Hospital Board member or Hospital Administrator regarding this RFQ during any phase of the RFQ process. Only those individual(s) listed as the contact person in the RFQ shall be contacted. Failure to comply with this provision may result in disqualification of the proposer, at the option of the Hospital.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Order No. DCA05-OR-237

STATE OF FLORIDA

In re: A LAND DEVELOPMENT REGULATION ADOPTED
BY CITY OF APALACHICOLA
ORDINANCE NO. 2005-09

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0555(9), F.S. (2005), approving a land development regulation adopted by a local government within the Apalachicola Bay Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. The Apalachicola Bay Area is a statutorily designated area of critical state concern, and the City of Apalachicola is a local government within the Apalachicola Bay Area.
- 2. On November 23, 2005, the Department received for review the City of Apalachicola Ordinance No. 2005-09 which was adopted by the Apalachicola City Commission on September 27, 2005 ("Ord. 2005-09").
- 3. The purpose of Ord. 2005-09 is to establish a planning pause on the permitting of development for new construction of hotels, motels, multifamily units, condominiums and townhouses for six months while the City of Apalachicola conducts research on the impact of development on infrastructure and drafts new regulations.
- 4. Ord. 2005-09 is consistent with the City of Apalachicola Comprehensive Plan.

CONCLUSIONS OF LAW

- 5. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Apalachicola Bay Area of Critical State Concern. Sections 380.05(6) and 380.0555(9), F.S. (2005).
- 6. The City of Apalachicola is a local government within the Apalachicola Bay Area of Critical State Concern. Section 380.0555, F.S. (2005), and Rule 28-22.401, F.A.C.

7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. Section 380.031(8), F.S. (2005). The regulations adopted by Ord. 2005-09 are land development regulations.

8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in Section 380.0555(7), F.S. (2005). See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

9. Ord. 2005-09 promotes and furthers the following Principles:

- (a) Land development shall be guided so that the basic functions and productivity of the Apalachicola Bay Area's natural land and water systems will be conserved to reduce or avoid health, safety, and economic problems for present and future residents of the Apalachicola Bay Area.
- (b) Land development shall be consistent with a safe environment, adequate community facilities, a superior quality of life, and a desire to minimize environmental hazards.

10. Ord. 2005-09 is not inconsistent with the remaining Principles. Ord. 2005-09 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2005-09 is found to be consistent with the Principles for Guiding Development of the Apalachicola Bay Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

JAMES L. QUINN
State Planning Administrator
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR

PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND

YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL

PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 13th day of December, 2005.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Boyd Howze, Jr., Mayor
City of Apalachicola
One Avenue, E
Apalachicola, FL 32320

Betty Taylor Webb, Administrator
City of Apalachicola
One Avenue, E
Apalachicola, FL 32320

DCA Order No. DCA05-OR-236

STATE OF FLORIDA

In re: A LAND DEVELOPMENT REGULATION ADOPTED
BY CITY OF APALACHICOLA
ORDINANCE NO. 2005-08

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to Sections 380.05(6) and 380.0555(9), Florida Statutes (2005), approving a land development regulation adopted by a local government within the Apalachicola Bay Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Apalachicola Bay Area is a statutorily designated area of critical state concern, and the City of Apalachicola is a local government within the Apalachicola Bay Area.
2. On November 23, 2005, the Department received for review the City of Apalachicola Ordinance No. 2005-08 which was adopted by the Apalachicola City Commission on September 27, 2005 (“Ord. 2005-08”).
3. The purpose of Ord. 2005-08 is to establish new definitions for transient accommodations for periods less than thirty days. The ordinance provides new definitions for hotels, motels, and bed and breakfast accommodations. The ordinance also further defines density and establishes dimensional regulations and limits the maximum size of a unit to 600 square feet. The ordinance requires the provision of a lobby, limits the number of water and sewer connections and prohibits cooking facilities within the individual units. The ordinance requires that the general public be provided access to the river, if the transient accommodation is located along the water.
4. Ord. 2005-08 is consistent with the City of Apalachicola Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Apalachicola Bay Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0555(9), Fla. Stat. (2005).
6. The City of Apalachicola is a local government within the Apalachicola Bay Area of Critical State Concern. § 380.0555, Fla. Stat. (2005), and Rule 28-22.401, Fla. Admin. Code.
7. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 2005-08 are land development regulations.
8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0555(7), Fla. Stat. (2005). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
9. Ord. 2005-08 promotes and furthers the following Principle:

(a) Land development shall be guided so that the basic functions and productivity of the Apalachicola Bay Area’s natural land and water systems will be conserved to reduce or avoid health, safety, and economic problems for present and future residents of the Apalachicola Bay Area.

10. Ord. 2005-08 is not inconsistent with the remaining Principles. Ord. 2005-08 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2005-08 is found to be consistent with the Principles for Guiding Development of the Apalachicola Bay Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

 JAMES L. QUINN
 State Planning Administrator
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES,

AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND

YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS,

AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 13th day of December, 2005.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Boyd Howze, Jr., Mayor
City of Apalachicola
One Avenue, E
Apalachicola, FL 32320

Betty Taylor Webb, Administrator
City of Apalachicola
One Avenue, E
Apalachicola, FL 32320

DEPARTMENT OF TRANSPORTATION

The Florida Seaport Transportation and Economic Development Council announces the opening of the fiscal year 2005/2006 application period for the small county dredging program. All applications are due by February 8, 2006, by 5:00 p.m. Eligible port authorities may go to www.flaports.org or call Michael Rubin, Assistant Secretary, at (850)222-8028 to obtain an application. Please direct any questions to Michael Rubin.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, United Motors of America, intends to allow the establishment of Adventure Motorcycle Company, as a dealership for the sale of UM motorcycles, at 295 Wickham Road, Unit A, Melbourne, (Brevard County), Florida 32904, on or after November 29, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Adventure Motorcycle Company are dealer operator(s): Michael J. Izzo, 2525 Longwood Boulevard, Melbourne, Florida 32934, and Paul Runion, 100 Miami Avenue, Indialantic, Florida 32903; principal investor(s): Michael J. Izzo, 2525 Longwood Boulevard, Melbourne, Florida 32934, and Paul Runion, 100 Miami Avenue, Indialantic, Florida 32903.

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: Melissa Bell, Sales Support, United Motors of America, 8801 Northwest 23rd Street, Miami, Florida 33172.

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 the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Dixie Sales Company, intends to allow the relocation of Exotic Mini Choppers, as a dealership for the sale of Pagsta motorcycles, from its present location at 8671 North Palafox Street, Pensacola, Florida, to a proposed location at 8931 Pensacola Boulevard, Pensacola, (Escambia County), Florida 32534, on or after November 29, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Exotic Mini Choppers are dealer operator: John Krause, P. O. Box 11678, Pensacola, Florida 32524-1678; principal investor(s): John Krause, P. O. Box 11678, Pensacola, Florida 32524-1678. The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Sandy Seacat, Finance Department, Dixie Sales Company, P. O. Box 1408, Greensboro, North Carolina 27402.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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, General Motors Corporation intends to allow the establishment of William Lehman Buick, Inc., as a dealership for the sale of Pontiac and GMC vehicles, at 21400 Northwest 2nd Avenue, Miami, (Dade County), Florida 33169, on or after January 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of William Lehman Buick, Inc., are dealer operator(s): William Lehman, Jr., 21400 Northwest 2nd Avenue, Miami, Florida 33169; principal investor(s): William Lehman, Jr., 21400 Northwest 2nd Avenue, Miami, Florida 33169.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ricardo LaCosta, Zone Manager, General Motors Corporation, Mail Code 482-A07-C66, 100 GM Renaissance Center, Detroit, Michigan 48265-1000.

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, United Motors of America intends to allow the establishment of Grandpa's Cycle Center, Inc., as a dealership for the sale of UM motorcycles, at 3596 Fowler Street, Fort Myers, (Lee County), Florida 33901, on or after November 22, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Grandpa's Cycle Center, Inc., are dealer operator(s): Marion Stewart, 3596 Palm Beach Boulevard, Fort Myers, Florida 33901; principal investor(s): Marion Stewart, 3596 Palm Beach Boulevard, Fort Myers, Florida 33901.

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: Melissa Bell, Sales Support, United Motors of America, 8801 Northwest 23rd Street, Miami, Florida 33172.

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 Land Rover North America, Inc., intends to allow the establishment of Land Rover Fort Pierce, as a dealership for the sale of Land Rover vehicles, at 4771 South US 1, Fort Pierce, (St. Lucie County), Florida 34945, on or after January 31, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Land Rover Fort Pierce are dealer operator(s): John R. Fields, 2100 Frontage Road, Glencoe, Illinois 60022; principal investor(s): John R. Fields, 2100 Frontage Road, Glencoe, Illinois 60022, and Dan Fields, 2100 Frontage Road, Glencoe, Illinois 60022.

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: Michael Coleman, Franchise Development Manager, Southern Region, Land Rover North America, Inc., 3440 Preston Ridge Road, #600, Alpharetta, Georgia 30005-3823.

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 Jaguar Cars intends to allow the establishment of Jaguar Fort Pierce, as a dealership for the sale of Jaguar cars, at 4771 South US 1, Fort Pierce, (St. Lucie County), Florida 34945, on or after January 31, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Jaguar Fort Pierce, are dealer operator(s): John R. Fields, 2100 Frontage Road, Glencoe, Illinois 60022; principal investor(s): John R. Fields, 2100 Frontage Road, Glencoe, Illinois 60022, and Dan Fields, 2100 Frontage Road, Glencoe, Illinois 60022.

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: Michael Coleman, Franchise Development Manager, Southern Region, Jaguar Cars, 3440 Preston Ridge Road, #600, Alpharetta, Georgia 30005-3823.

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 American Suzuki Motor Corporation intends to allow the establishment of Quality Suzuki of Fort Walton Beach, Inc., as a dealership for the sale of Suzuki automobiles, at 729 North Beal Parkway, Fort Walton Beach (Okaloosa County), Florida 32547, on or after December 16, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Quality Suzuki of Fort Walton Beach, Inc., are dealer operator(s): Gerald Hollingsworth, 1006 North Beal Parkway, Fort Walton Beach, Florida 32547; principal investor(s): Gerald Hollingsworth, Hollingsworth Holdings, Inc., 1006 North Beal Parkway, Fort Walton Beach, Florida 32547.

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: Daniel Malloy, Dealer Development Manager, American Suzuki Motor Corporation, 3251 East Imperial Highway, Brea, California 92821.

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."

**FLORIDA LAND AND WATER ADJUDICATORY
COMMISSION**

NOTICE OF RECEIPT OF PETITION

RIVER HALL COMMUNITY DEVELOPMENT DISTRICT
On October 31, 2005, the Florida Land and Water Adjudicatory Commission (the "Commission") received a Petition (amended November 30, 2005) to adopt an amendment to Rule Chapter 42YY-1, F.A.C., to amend the boundary of the River Hall Community Development District (the "District") pursuant to Chapter 190, F.S. Petitioner asserts a copy of the Petition was filed with Lee County in compliance with Section 190.046, F.S. The Commission will follow the requirements of Chapter 190, F.S., and Chapter 42-1, F.A.C., in ruling on this Petition, as amended.

SUMMARY OF CONTENTS OF PETITION: The Petition, as amended, was filed by the River Hall Community Development District with its registered office located at 2401 River Hall Parkway, Alva, Florida 33920. The Petition, as amended, proposes to modify the land area presently serviced by the District by amending its boundary to add approximately 30 acres of property adjacent to the District. The District currently covers approximately 1,926.03 acres of land and after expansion the District will encompass approximately 1,958.43 acres. Petitioner has written consent to expand the District from the owners of the real property to be added to the District. Pursuant to Section 190.046(1)(e), F.S., the filing of the Petition, as amended, for expansion by the District Board of Supervisors constitutes consent of the landowners.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COSTS: In association with the Petition, as amended, the Petitioner has caused a Statement of Estimated Regulatory Costs ("SERC") to be prepared in compliance with section 120.541, F.S. The SERC was amended on November 30, 2005. The complete text of the amended SERC is contained at Exhibit "I" to the Petition. By way of summary, the amended SERC estimates the principal individuals and entities likely to be required to comply with the amended rule are the state, Lee County, Florida, the current property owners within the existing District and the landowners within the District's proposed amended boundary. The amended SERC estimates the type of individuals likely to be affected by the amended rule as landowners within the District's amended boundary. The amended SERC estimates that rule amendment implementation and enforcement costs to the above-described

entities will be minimal, are concurrently budgeted or not burdensome, and/or are offset by the payment of requisite filing and annual fees; and, estimates there will be no effect on state and local revenues from the proposed amendment of the rule. With respect to an estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the rule, the amended SERC indicates that to fund the cost of maintaining infrastructure that the District maintains, operation and maintenance assessments may be imposed on the District property owners. The amended SERC notes, as with the special assessments for infrastructure acquisition and construction, the property owner will be responsible for payment of these assessments on the basis of the amount of benefited property owned. Persons choosing to acquire property in the expansion area will be responsible for such assessments in addition to the taxes or assessments imposed by Lee County or other taxing authorities. In exchange for payment of these assessments, there are potential benefits derived by the future property owners. Finally, the amended SERC concludes that the expansion of the District's boundary will have no impact on small businesses and should not have negative impact on small cities or counties as the cost to construct the infrastructure is borne entirely by the property owners within the District. Lee County is not a "small" county as defined by Section 120.52, F.S. According to the amended SERC, the SERC analysis is based on data provided by the developer/petitioner and represents the best information available. Other data was provided by Rizzetta & Company and was based on observations, analysis and experience with private development and other community development districts in various stages of existence.

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

DATE AND TIME: Friday, January 6, 2006, 2:30 p.m.

PLACE: Office of Barraco & Associates, Inc., 2271 McGregor Boulevard, Fort Myers, Florida 33902

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Tracy J. Robin or Mark K. Straley, (813)223-9400, at least two (2) business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

COPIES OF THE PETITION MAY BE OBTAINED BY CONTACTING: Tracy J. Robin or Mark K. Straley, Straley Robin & Williams, 100 East Madison Street, Suite 300, Tampa, Florida 33602; or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

On December 12, 2005, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Rachel R. Folkman Warlick, L.P.N. license number PN 378771. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On December 7, 2005, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the registration of Jerome P. Moore, R. Ph. Intern Registration # 17022. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE OF FUNDING AVAILABILITY

FLORIDA HOME OWNERSHIP ASSISTANCE PROGRAM
 Pursuant to Section 420.5088, Florida Statute, and Rule Chapter 67-45, Florida Administrative Code, the Florida Housing Finance Corporation (the "Corporation") announces its intention to provide up to \$3,000,000 for qualified mortgage loans for down payment and closing costs assistance under the Florida Home Ownership Assistance Program (HAP). These HAP Loans are expected to be made available to low-income persons in conjunction with the Corporation's Single Family Mortgage Revenue Bond Program (SFMRB). Such loans will be in the form of zero percent interest, non-amortizing deferred second mortgage loan financing for owner-occupied residences in any county in the State of Florida, subject to the participation of qualified lending institutions and the counties they elect to serve. Access to these funds will be made available through Participating Lenders that have been selected to originate first mortgages under the Corporation's SFMRB Program through an application process. Participating lending

institutions will make HAP Loan funds available on a first-come, first-served basis to eligible first-time home buyers qualifying for a first mortgage under the Corporation's SFMRB Program. Applications for such loans may be obtained from the participating lending institutions.

Any home mortgage lending institution that is a qualified FHA-approved mortgagee (with direct endorsement underwriting authority preferred), or a VA-approved lender (with automatic approval authority preferred), or an USDA/RD approved lender (unless waived by the Servicer), or with respect to Conventional Mortgage loans, is a Fannie Mae and/or Freddie Mac approved lender in good standing, has errors and omissions coverage of at least \$300,000, meets the requirements of the Servicer and Florida Housing with respect to financial status and is acceptable to a Fannie Mae and/or Freddie Mac PMI Insurer, that is interested in receiving an Invitation and Application to Participate in the program should contact the Corporation by telephone at (850)488-4197, by facsimile at (850)922-7253, or in writing at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Any questions or concerns regarding the availability of HAP funds or requests for more information and/or a list of participating lending institutions should be directed to Edny Sanchez Gammons, Single Family Bonds Manager at 850/488-4197.

**NOTICE OF FUNDING AVAILABILITY
HOME INVESTMENT PARTNERSHIPS PROGRAM
HOME LOANS**

Pursuant to Federal Regulations 24 CFR Part 92 and Rule Chapter 67-50, Florida Administrative Code, the Florida Housing Finance Corporation (the "Corporation") announces its intention to provide up to \$9,000,000 of State of Florida HOME allocation for qualified mortgage loans for down payment and closing costs assistance under the HOME Investment Partnerships Program (HOME). These HOME Loans are expected to be made available to low-income persons in conjunction with the Corporation's Single Family Mortgage Revenue Bond Program (SFMRB). Such loans will be in the form of zero percent interest, non-amortizing deferred second mortgage loan financing for owner-occupied residences in any county in the State of Florida, subject to the participation of qualified lending institutions and the counties they elect to serve. Access to these funds will be made available through Participating Lenders that have been selected to originate first mortgages under the Corporation's SFMRB Program through an application process. Participating lending institutions will make HOME Loan funds available on a first-come, first-served basis to eligible, low-income, first-time home buyers qualifying for a first mortgage under the Corporation's SFMRB Program. Applications for such loans may be obtained from the participating lending institutions.

HOME Loans must comply with Rule Chapter 67-50, F.A.C. and Federal Regulations 24 CFR Part 92. Any home mortgage lending institution that is a qualified FHA-approved mortgagee (with direct endorsement underwriting authority preferred), or a VA-approved lender (with automatic approval authority preferred), or an USDA/RD approved lender (unless waived by the Servicer), or with respect to Conventional Mortgage loans, is a Fannie Mae and/or Freddie Mac approved lender in good standing, has errors and omissions coverage of at least \$300,000, meets the requirements of the Servicer and Florida Housing with respect to financial status and is acceptable to a Fannie Mae and/or Freddie Mac PMI Insurer, that is interested in receiving an Invitation and Application to Participate in the program should contact the Corporation by telephone at (850)488-4197, by facsimile at (850)922-7253, or in writing: 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Any questions or concerns regarding the availability of HOME funds or requests for more information and/or a list of participating lending institutions should be directed to Edny Sanchez Gammons, Single Family Bonds Manager at (850)488-4197.

**NOTICE OF PROPOSED ISSUANCE
SINGLE FAMILY HOMEOWNER MORTGAGE REVENUE
BONDS**

Pursuant to Rule 67-25.005, Florida Administrative Code, notice is hereby given that the Florida Housing Finance Corporation (the "Corporation") intends to issue bonds in an amount not to exceed \$100,000,000 in order to provide funding for qualified mortgage loans for owner-occupied residences within the State of Florida. Proceeds of the bonds are expected to be available to eligible home buyers in any county of the State of Florida subject to the participation of lending institutions and the counties they elect to serve.

Any home mortgage lending institution that is a qualified FHA-approved mortgagee (with direct endorsement underwriting authority preferred), or a VA-approved lender (with automatic approval authority preferred), or an USDA/RD approved lender (unless waived by the Servicer), or with respect to Conventional Mortgage loans, is a Fannie Mae and/or Freddie Mac approved lender in good standing, has errors and omissions coverage of at least \$300,000, meets the requirements of the Servicer and Florida Housing with respect to financial status and is acceptable to a Fannie Mae and/or Freddie Mac PMI Insurer, that is interested in receiving an Invitation and Application to Participate in the program should contact the Corporation by telephone at (850)488-4197, by facsimile at (850)922-7253, or in writing: 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Any

questions or concerns regarding the proposed issuance of bonds should be directed to Edny Sanchez Gammons, Single Family Bonds Manager at 850/488-4197.

FINANCIAL SERVICE COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following applications. 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 the 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., January 13, 2006:)

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Marine Bank & Trust Company, Vero Beach, Florida
Proposed Purchaser: Kay Hammond Hazel, Vero Beach, Florida
Received: December 7, 2005

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: Hometown Community Bank, South of Old Bethal Road (Highway 188) on the West Side of Ferdon Boulevard (Highway 85), Crestview, Okaloosa County, Florida 32536
Correspondent: Richard Pearlman and A. George Igler, 2457 Care Drive, Tallahassee, Florida 32308
Received: December 8, 2005

APPLICATION FOR A NEW FINANCIAL INSTITUTION
Applicant and Proposed Location: Prosperity Bank of Northwest Florida, 2606 South Highway 77, Lynn Haven, Bay County, Florida 32444

Correspondent: Richard P. Hunt, 324 South Hyde Park Avenue, Suite 202, Tampa, Florida 33606
Received: December 9, 2005

APPLICATION TO MERGE

Constituent Institutions: CenterState Bank Mid Florida, Leesburg, Florida and CenterState Interim Bank, Leesburg, Florida
Resulting Institution: CenterState Bank Mid Florida
Date Received: December 9, 2005

APPLICATION TO ORGANIZE A SUCCESSOR INSTITUTION AND BANK MERGER

Constituent Institutions: CenterState Interim Bank (Successor Institution) Leesburg, Lake County, Florida and Centerstate Bank Mid Florida, Leesburg, Lake County, Florida
Resulting Institution: CenterState Bank Mid Florida
With Title: CenterState Bank Mid Florida
Received: December 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/ofir/banking/cu_expansion.htm.

Name and Address of Applicant: PowerNet Credit Union, 5619 Harney Road, Tampa, Florida 33610
Expansion Includes: Association Group
Received: November 29, 2005

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN December 5, 2005
 and December 9, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF TRANSPORTATION

14-85.004	12/5/05	12/25/05	31/44	
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PUBLIC SERVICE COMMISSION

25-4.036	12/9/05	12/29/05	31/44	
25-24.515	12/9/05	12/29/05	31/44	

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

59B-14.001	12/5/05	12/25/05	31/31	
59B-14.002	12/5/05	12/25/05	31/31	31/43
59B-14.003	12/5/05	12/25/05	31/31	
59B-14.004	12/5/05	12/25/05	31/31	31/43
59B-14.005	12/5/05	12/25/05	31/31	
59B-14.006	12/5/05	12/25/05	31/31	
59B-14.007	12/5/05	12/25/05	31/31	
59B-14.008	12/5/05	12/25/05	31/31	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Asbestos Consultants/Asbestos Consultant Examinati

61E1-2.006	12/8/05	12/28/05	31/36	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Board of Professional Surveyors and Mappers

61G17-5.0043	12/8/05	12/28/05	31/44	
61G17-5.0051	12/8/05	12/28/05	31/44	

Board of Veterinary Medicine

61G18-11.002	12/5/05	12/25/05	31/22	
61G18-19.002	12/5/05	12/25/05	31/19	

DEPARTMENT OF HEALTH

Board of Occupational Therapy

64B11-2.010	12/7/05	12/27/05	31/41	
64B11-2.012	12/7/05	12/27/05	31/41	
64B11-3.008	12/7/05	12/27/05	31/41	
64B11-3.009	12/7/05	12/27/05	31/41	
64B11-4.003	12/7/05	12/27/05	31/41	
64B11-5.004	12/7/05	12/27/05	31/41	

Board of Optometry

64B13-5.002	12/6/05	12/26/05	31/38	31/44
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Board of Psychology

64B19-15.003	12/7/05	12/27/05	31/39	
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Board of Speech-Language Pathology and Audiology

64B20-5.0022	12/8/05	12/28/05	31/42	
64B20-7.001	12/8/05	12/28/05	31/42	

Board of Respiratory Care

64B32-5.003	12/6/05	12/26/05	31/24	31/44
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