

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.

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

Section II
Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Amendment to Articles of Incorporation
RULE NO.: 3C-22.005
PURPOSE AND EFFECT: Rule 3C-22.005, F.A.C., is being repealed as the underlying statute, Section 665.024, F.S., has been repealed and thus the rule is obsolete.

SUMMARY: The rule is repealed to reflect changes in the Florida Statutes.

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: 120.53(1)(a), 655.012(3) FS.

LAW IMPLEMENTED: 665.024 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., January 24, 2005

PLACE: Room 547, Fletcher Building, 200 East Gaines Street, Tallahassee, FL 32399

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andy Price, Executive Senior Attorney, Office of Financial Regulation, Tallahassee, Florida 32399-0379, (850)410-9896

THE FULL TEXT OF THE PROPOSED RULE IS:

3C-22.005 Amendment to Articles of Incorporation.

Specific Authority 120.53(1)(a), 655.012(3) FS. Law Implemented 665.024 FS. History--New 9-9-81, Formerly 3C-22.05, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Charity, Director of Banking, Office of Financial Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2004

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLES: Processing of Applications, Availability of Forms and Records
RULE NOS.: 3D-1.006, 3D-1.010

PURPOSE AND EFFECT: The rules are repealed, as they are no longer necessary after the reorganization of the former Department of Banking and Finance into the Office of Financial Regulation pursuant to Chapter 2002-404, Laws of Florida.

SUMMARY: The rule is repealed to reflect changes in the Florida Statutes.

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: 119.08(2), 494.001(2) FS.

LAW IMPLEMENTED: 119.07, 119.08(2), 494.0011(2), 494.038(3), 494.039(3), 494.0032(1), 494.0033(2), 494.0034(1), 494.0036(2), 494.0061(3), 494.0062(3), 494.0066(2), 516.03(1),(2), 520.03(2),(3), 520.32(2),(3), 520.52(2),(3), 520.63(2),(3), 560.05, 560.09 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., January 24, 2005

PLACE: Room 547, Fletcher Building, 200 East Gaines Street, Tallahassee, FL 32399

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Andy Price, Executive Senior Attorney, Office of Financial Regulation, Tallahassee, Florida 32399-0379, (850)410-9896

THE FULL TEXT OF THE PROPOSED RULES IS:

3D-1.006 Processing of Applications.

Specific Authority 119.08(2), 494.001(2) FS. Law Implemented 119.07, 119.08(2), 494.0011(2), 494.038(3), 494.039(3), 494.0032(1), 494.0033(2), 494.0034(1), 494.0036(2), 494.0061(3), 494.0062(3), 494.0066(2), 516.03(1),(2), 520.03(2),(3), 520.32(2),(3), 520.52(2),(3), 520.63(2),(3), 560.05, 560.09 FS. History--New 7-18-90, Repealed.

3D-1.010 Availability of Forms and Records.

Specific Authority 119.08(2), 494.001(2) FS. Law Implemented 119.07, 119.08(2), 494.0011(2), 494.038(3), 494.039(3), 494.0032(1), 494.0033(2), 494.0034(1), 494.0036(2), 494.0061(3), 494.0062(3), 494.0066(2), 516.03(1),(2), 520.03(2),(3), 520.32(2),(3), 520.52(2),(3), 520.63(2),(3), 560.05, 560.09 FS. History--New 3-29-93, Repealed.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2004

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Definition of Terms

RULE NO.: 6E-1.003

PURPOSE AND EFFECT: The purpose of this amendment is to add the term generally accepted accounting principles to the terms defined for use within the rules.

SUMMARY: The rule sets forth terms and their definitions for use within the rules, and this amendment adds the term generally accepted accounting principles and explains where it is defined.

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: 1005.22(1)(e) FS.

LAW IMPLEMENTED: 1005.22, 1005.31 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-1.003 Definition of Terms.

Terms used in these rules are defined in Section 1005.02, F.S. In addition, as used in the rules of this Commission, unless the context clearly indicates otherwise:

(1) through (28) No change.

(29) Generally Accepted Accounting Principles (GAAP), effective September 29, 2002, is defined in the Board of Accountancy Rule 61H1-20.007, F.A.C.

(29) through (49) renumbered (30) through (50) No change.

Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22, 1005.31 FS. History--Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83, Formerly 6E-1.03, Amended 2-22-89, 11-29-89, 10-19-93, 4-11-00, 1-7-03, 12-23-03, 7-20-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 29, 2004

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Fair Consumer Practices

RULE NO.: 6E-1.0032

PURPOSE AND EFFECT: This rule is being amended to clarify a reduction of tuition or fees.

SUMMARY: The amendment to this rule sets forth when a reduction of tuition, fees, or other charges may be implemented and states the criteria the institution must follow.

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: 1005.22(1)(e)1., 1005.34 FS.

LAW IMPLEMENTED: 1005.04, 1005.32(5), 1005.34 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-1.0032 Fair Consumer Practices.

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

(7) Reduction of tuition or fees: A reduction in tuition, fees, or other charges may be implemented when there are specific criteria for student eligibility and selection procedures precisely disclosed within a policy at the institution. All students within the enrollment period the reduction is offered must be eligible to apply for this reduction under the same circumstances. The institution must maintain verifiable records including detailed and complete data when students are granted a bona fide reduction in tuition or fees. This must include copies of all application records, notes of selection committee meetings, and copies of notices to the student who received the reduction. This information shall be kept on file at the institution for on site review by CIE.

(7) through (9) renumbered (8) through (10) No change.

Specific Authority 1005.22(1)(e)1., 1005.34 FS. Law Implemented 1005.04, 1005.32(5), 1005.34 FS. History--New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, 1-20-04, 3-29-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 29, 2004

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Outdoor Advertising Sign Regulation and Highway Beautification

RULE CHAPTER NO.: 14-10

RULE TITLE: Zoning Enacted Primarily to Permit Outdoor Advertising Signs

RULE NO.: 14-10.0052

PURPOSE AND EFFECT: The amendment is to clarify the Department's rule regarding zoning related to outdoor advertising.

SUMMARY: Rule 14-15.0052, F.A.C., is being amended. A rule development workshop was conducted on July 23, 2004. No changes are made as a result of that workshop.

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: 334.044(2), 479.02(7) FS.

LAW IMPLEMENTED: 479.07(10) FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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 FULL TEXT OF THE PROPOSED RULES IS:

14-10.0052 ~~Comprehensively Enacted Zoning and Zoning Enacted Primarily to Permit~~ Outdoor Advertising Signs.

(1) "Comprehensively Enacted Zoning" means ordinances or other laws adopted by the county or municipal government ~~with authority over the development and use of a parcel of land,~~ pertaining to and designating the currently allowable uses of property within its jurisdiction, on the parcel, pursuant to and consistent with a comprehensive plan enacted in accordance with Chapter 163, Florida Statutes. ~~The term does not include actions taken primarily to permit signs as defined in section (3) of this rule.~~

(2) Even if comprehensively enacted, the following criteria, including public records related thereto, shall be considered in determining whether such zoning is enacted primarily to permit signs: For purposes of this rule, "parcel" shall mean all the contiguous lands under the same ownership and the same land use designation adopted pursuant to Chapter 163, Florida Statutes.

(a) The land use or zoning designation provides for limited commercial or industrial activity only as an incident to other primary land uses.

(b) The commercial and industrial activities, separately or together, are permitted only by variance or special exceptions.

(c) The physical dimensions or other attributes of the affected parcel would not reasonably accommodate traditional commercial or industrial uses and the area surrounding the affected parcel is not predominantly commercial or industrial.

~~(3) The Department shall consider the following criteria when determining whether commercial or industrial zoning applicable to a parcel of land was adopted primarily to permit the erection or maintenance of signs:~~

~~(a) Whether the uses allowed by the applicable zoning ordinance or law include commercial or industrial uses in addition to signs. The following uses are not recognized as commercial or industrial use for the purposes of these criteria:~~

- ~~1. Agricultural, forestry, ranching, grazing, farming, or related activities, including wayside fresh produce stands.~~
- ~~2. Transient or temporary activities.~~
- ~~3. Railroad tracks and minor sidings.~~
- ~~4. Communication towers.~~
- ~~5. Electric transmission, telephone, telegraph, or other communications services lines.~~
- ~~6. Ditches, sewers, water, heat, or gas lines.~~
- ~~7. Pipelines, tanks, or pumps.~~
- ~~8. Fences.~~
- ~~9. Drainage ponds or water retention facilities.~~
- ~~10. Canals.~~
- ~~11. Roads.~~
- ~~12. Signs.~~

~~(b) Whether the size of the parcel would be sufficient to conduct the commercial or industrial uses allowed on the parcel under the applicable county or municipal government building and development code requirements for commercial or industrial activities, including setback requirements, parcel size and dimension requirements, and parking requirements.~~

~~(c) Whether the parcel is located contiguous to other properties zoned or used for commercial or industrial activities.~~

~~(d) Whether there is public access to the parcel sufficient to conduct the commercial or industrial uses allowed on the parcel.~~

~~(e) Whether the public statements and materials published in connection with any zoning decision affecting the parcel, including all public records pertaining to the zoning decision, indicate the zoning decision was taken primarily to permit the erection or maintenance of signs.~~

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 479.07(10) FS. History—New 3-16-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Kenneth Towcimak, Director, Office of Right of Way
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin Thibault, Assistant Secretary for Engineering and Operations, for José Abreu, P.E., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 23, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2004

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Containers, Packs, Stamping and Labeling of Fresh Fruit
 RULE CHAPTER NO.: 20-39

RULE TITLE: Approved Boxes
 RULE NO.: 20-39.003

PURPOSE AND EFFECT: Would provide for six new containers to be added to the list of containers approved for use in shipping fresh Florida citrus.

SUMMARY: Approved containers for use in shipping fresh Florida citrus.

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

Any person who wishes to provide information regarding the statement of estimated 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: 601.11 FS.

LAW IMPLEMENTED: 601.11 FS.

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

TIME AND DATE: 10:30 a.m., February 16, 2005

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

20-39.003 Approved Boxes.

(1) Unless otherwise noted, all approved boxes are 4/5 bushel capacity.

(2) The name of the manufacturer and the official container number as designated in subsection (3) below, shall be printed on the bottom outside flap of each approved box body in plainly legible characters.

(3) The following containers are hereby designated as approved boxes and, unless otherwise noted, may be used for shipment of all varieties of citrus fruit:

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Board Weights (actual weight may be heavier)***	
			Body	Cover
DOC-01-P	Singlewall	17 x 10-5/8 x 9-5/8**	42-33-69	42-33-42
DOC-02-V	Singlewall	17 x 11-1/2 x 9-3/4	42-33-69	42-33-42
DOC-03-V	Singlewall	Oversized 17 x 12 x 9-3/4	42-33-69	42-33-42
DOC-04-PT	Tray Style	17 x 10-5/8 x 9-5/8**	42-33-42	42-33-42
DOC-05-PB	Bliss Style	17 x 10-5/8 x 9-5/8**	42-33-42	33-33-33
DOC-06-VT	Tray Style	17 x 11-1/2 x 9-3/4	42-33-42	42-33-42
DOC-07-VT	Tray Style	Oversized 17 x 12 x 9-3/4	42-33-42	42-33-42
DOC-08-VB	Bliss Style	Oversized 17 x 11-1/2 x 9-3/4	42-33-42	33-33-33
DOC-09-VB	Bliss Style	Oversized 17 x 12 x 9-3/4	42-33-42	33-33-33
DOC-10-P	Doublewall	17 x 10-5/8 x 9-5/8 Partial telescope self-locking lid Tangerines & citrus hybrids only. **	42-33-42-33-42	42-26-42
DOC-11-XP	Singlewall	17 x 10-5/8 x 10-1/8**	90-33-90	42-33-42
DOC-12-XPT	Tray Style	17 x 10-5/8 x 10-1/8**	69-33-69	42-33-42
DOC-13-XPS	Super X Style	17 x 10-5/8 x 10-1/8**	42-40-69	42-33-42
DOC-14-P ‡‡	Singlewall	15-7/8 x 10-5/8 x 6 Full Telescope **	42-33-42	42-33-42
DOC-15-PT ‡‡	Tray Style	17-5/8 x 10-5/8 x 6 Full Telescope **	42-33-42	42-33-42
DOC-16-WP	Wood Slat	16-1/8 x 10-5/8 x 10-5/8 End panels may be of material other than wood.**	Wood Slat	Wirebound
DOC-17-WP	Wood Slat	19-7/8 x 7-1/2 x 11-1/2 End panels may be of material other than wood. Tangerines and citrus hybrids only.**	Wood Slat	Wirebound
DOC-18-P	Singlewall	17 x 10-5/8 x 9-5/8**	42-40-42	42-33-42
DOC-19-P	Singlewall	17 x 10-5/8 x 9-5/8**	45-33-45	42-33-42
DOC-20-XP‡‡	Singlewall	17 x 10-5/8 x 10-1/8**	69-40-69	42-33-42

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Board Weights (actual weight may be heavier)***	Minimum Board Weights (actual weight may be heavier)***
DOC-21-PT	Tray Style	17 x 10-9/16 x 9-5/8 4" partial telescope tray cover. Tangerines and citrus hybrids only.**	Body 42-40-69	Cover 42-33-42
DOC-22-P ‡‡	Singlewall	13-1/4 x 10-5/8 x 7 Full telescope**	42-33-42	42-33-42
DOC-23-VT	Tray Style	17 x 12 x 9-5/8 End slotted with short end flaps. Oversized	69-33-42	42-33-42
DOC-24-P	Singlewall	17 x 10-5/8 x 9-5/8 4" partial telescoping tray cover. Tangerines and citrus hybrids only.**	69-40-90	42-33-42
DOC-25-PT ‡‡	Tray Style	16-1/8 x 10-5/8 x 6 Full Telescope**	42-33-42	42-33-42
DOC-26-P	Singlewall	18-1/4 x 12-1/2 x 11-3/4 Having three plastic trays per carton*	90-40-90	42-33-42
DOC-27-WV ‡‡	Collapsible wooden bin	46 x 38 x 21 Holds appx 20 4/5 bu. equiv. units	Wooden bin	None
DOC-28-P ‡‡	Singlewall	17 x 10-5/8 x 6** Full Telescope	42-33-42	42-33-42
DOC-29-P	Singlewall	16-3/4 x 11-1/2 x 11-3/8 Having fiberboard honeycomb cells**	42-40-69	42-33-42
DOC-30-P ‡‡	Singlewall	17 x 10 x 6-15/16 Corrugated, full telescope**	90-40-90	42-33-42
DOC-31-P	Singlewall	16-11/16 x 11-8/16 x 11-14/16 Corrugated with honeycomb dividers**	69-40-42	42-33-42
DOC-32-OV ‡‡	Triplewall-Bulk bin	46-1/2 x 38 x 36 Octagonal watermelon bin with self-locking lid. Holds appx. 28 4/5 bu. equiv.	69-33-69-33-69-33-90	69-26-69
DOC-33-P	Singlewall	20-15/16 x 11-13/16 x 7 Telescoping with two trays per carton **	42-33-69	42-33-42
DOC-34-OV ‡‡	Triplewall-Bulk bin	46 x 37-1/2 x 36 Octagonal with interlocking flaps. Holds appx. 28 4/5 bu. equiv.	42-40-90-42-40-90-40-90	42-26-69

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Board Weights (actual weight may be heavier)***	Minimum Board Weights (actual weight may be heavier)***
DOC-35-OV ‡‡	Triplewall-Bulk bin	46 x 38 x 26-1/2 Tuff octagonal tube, holding appx. 24 4/5 bu. equiv.	90-33-42-33-42-33-90	Body Cover 69-26-69
DOC-36-P	Doublewall	23-5/8 x 15-5/8 x 7	42-36-33-26-42	
DOC-37-RV ‡‡	Triplewall-Bulk bin	Die cut platform tray, open top 46-1/2 x 38-1/2 x 26-1/2 Corrugated rectagon with diagonal corners and interlocking bottom (holds appx. 20 to 24-4/5 bu. equiv.)	64-33-35-64-33-96	35-26-35
DOC-38-P	Singlewall	16-3/4 x 11-1/2 x 10-3/8 Telescoping, half-slotted, optional molded fiber spring cushion trays**	99-33-90	42-33-69
DOC-39-P	Doublewall	17 x 10-5/8 x 9-5/8	42-33-33-33-42	42-33-42
DOC-40-P	Doublewall	Corrugated, half-slotted 18-15/16 x 14-3/16 x 11-13/16	42-33-42-33-42	n/a
DOC-41-P	Plastic	One-piece, die cut 22-1/2 x 14-9/16 x 7-1/8 One-piece, reusable/recyclable high-density polyethylene	n/a	n/a
DOC-42-P‡‡	Singlewall	17-1/2 x 11-1/8 x 8-3/4 Holding 2/3 of a standard 4/5 bu. container,	90-40-90	42-33-42
DOC-43-OV‡‡	Triplewall 1/2 bulk bin	two-layer, full telescoping 38-1/4 x 23-3/4 x 25-1/4 Space-saver, octagon 1/2 bin holding appx. 10-1/2 4/5 bu. equiv. loose or 7-8 4/5 bu. equiv. Bagged	69-26-38-26-38-26-65	38-26-38
DOC-44-PT	Doublewall	22-1/8 x 14-11/16 x 6-3/8 B/c flute tray body, C flute cover	42-40-41-40-56	42-33-42
DOC-45-P	Singlewall	17-1/8 x 10-5/8 x 10-3/8 4/5 c-flute, two piece, partial telescoping cover	42-33-57	42-26-35
DOC-46-PT	Doublewall	23-5/8 x 15-5/8 x 7 4/5 40 x 60 Euro Wave Tray	42-40-42-40-42	n/a
DOC-47-PT	Doublewall	14-1/2 x 11-3/8 x 6-5/16 2/5 bu, die-cut, open top, platform tray	33-69-33-69	n/a
DOC-48-PT	Doublewall	22-1/4 x 14-1/2 x 6-3/4 40 x 60 Euro Tray	42-33-42-34-42	n/a

Approved Container Number	Construction Styles	Inside Body Dimension in inches (LxWxD)	Minimum Board Weights (actual weight may be heavier)***	Minimum Board Weights (actual weight may be heavier)***
DOC-49-RP	Plastic	22-1/4 x 14-1/2 x 10-3/4 Recyclable plastic	Body n/a	Cover n/a
DOC-50-RP	Plastic	22-1/4 x 14-1/2 x 8 Recyclable plastic	n/a	n/a
<u>DOC-51-P</u>	<u>Doublewall</u>	<u>22-1/8 x 14-11/16 x 3-13/16</u> <u>2/5 bu. fully telescoping</u> <u>singlewall lid and</u> <u>doublewall body, 200# b</u> <u>flute corrugated divider</u>	<u>42-40-42-40-42</u>	<u>42-33-56</u>
<u>DOC-52-PB</u>	<u>Doublewall</u>	<u>22-11/16 x 15-1/4 x 9-1/2</u> <u>Bagmaster Defor</u> <u>XD + vertical tray</u>	<u>42-33-57-33-69</u>	<u>n/a</u>
<u>DOC-53-RP</u>	<u>Plastic</u>	<u>22-7/16 x 14-1/2 x 11-1/16</u> <u>reusable standard footprint</u> <u>container IFCO model 628</u>	<u>n/a</u>	<u>n/a</u>
<u>DOC-54-P</u>	<u>Doublewall</u>	<u>22-1/8 x 14-11/16 x 6-7/8</u> <u>40 x 60 body, fully</u> <u>telescoping cover, c-flute</u>	<u>42-40-42-40-56</u>	<u>42-33-69</u>
<u>DOC-55-RP</u>	<u>Plastic</u>	<u>22-3/8 x 14-5/8 x 7-1/4</u> <u>Recyclable crate model</u> <u>GP6419</u>	<u>n/a</u>	<u>n/a</u>
<u>DOC-56-RP</u>	<u>Plastic</u>	<u>22-3/8 x 14-5/8 x 9-7/8</u> <u>Recyclable bagmaster crate</u> <u>model GP6425</u>	<u>n/a</u>	<u>n/a</u>

** Container may be volume filled provided the sizes designated for each variety of fruit meet the requirements of subsections 20-39.007(1), 20-39.008(1) and 20-39.009(1), F.A.C.

‡‡ Container does not conform to 4/5 bushel requirement of subsection 20-39.003(1), F.A.C.

*** Minimum board weight requirements shall be waived when a compression strength test by an independent testing laboratory or manufacturer’s test report shows that the container made with a new material is equal to, or better than, compression strength of the container with minimum approved board weight. It shall be the responsibility of the first packinghouse using such container to acquire and provide records of compression strength testing to the Department of Citrus prior to first use of the container. Each such container shall be identified by the placement of three asterisks (***) printed after the official container number on the bottom outside flap of the box body.

(4) Each container must be ventilated.

Specific Authority 601.11 FS. Law Implemented 601.11 FS. History—Formerly 105-1.03(1)(a), Revised 1-1-75, Amended 8-16-75, 8-11-77, 8-1-78, 8-21-79, 1-15-80, 10-20-80, 5-1-81, 9-1-82, 11-6-83, 10-21-84, 1-1-85, Formerly 20-39.03, Amended 9-11-86, 12-20-87, 10-14-90, 8-23-92, 10-18-92, 1-19-93, 5-23-93, 10-10-93, 1-9-94, 10-16-94, 8-29-95, 10-13-96, 10-26-97, 12-6-98, 2-20-01, 12-26-01, 4-27-03, 10-21-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Food Services – Standards of Operation

RULE NO.: 33-204.003

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language that reiterates a statutory requirement.

SUMMARY: The proposed rule amendment deletes language requiring the compliance with Department of Health sanitary standards as this requirement is already provided in Section 381.0072, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-204.003 Food Services – Standards of Operation.

(1) through (3) No change.

~~(4) Sanitation:~~

~~(a) All food service areas shall meet the standards of the Food Hygiene Code, Department of Health, Chapter 64E-11, F.A.C. Food and beverages shall not be consumed in food preparation areas.~~

~~(b) Personnel assigned to food service shall meet the standards set by the Food Hygiene Code, Department of Health Rule 64E-11.005, F.A.C.~~

(5) through (6) renumbered (4) through (5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2004

LAND AND WATER ADJUDICATORY COMMISSION

Gateway Services District

RULE CHAPTER TITLE: Gateway Services Community

RULE CHAPTER NO.:

Development District

42F-1

RULE TITLE: Boundary

RULE NO.:

42F-1.002

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule amendment is to contract the boundaries of the Gateway Services Community Development District (“CDD”), pursuant to Chapter 190, F.S. The Petition, as supplemented, was filed by the Gateway Services Community Development District with its registered office located at 3200 Tamiami Trail No., Suite 200, Naples, Florida 34103. The Petition, as supplemented, proposes to modify the land area presently serviced by the District by amending its boundaries to contract approximately 12 acres. The District currently covers approximately 4,501 acres of land and after contraction, the District will encompass approximately 4,488.58 acres. The property to be contracted out of the District is owned by Lee County. Petitioner has obtained the consent of Lee County to the contraction of the boundaries of the District. Pursuant to Section 190.046(1)(e), F.S., the filing of the Petition, as supplemented, for contraction by the District Board of Supervisors constitutes consent of the landowners within the District other than of landowners whose land is proposed to be removed from the District. The contraction parcel consists of right-of-way which has been deeded to Lee County for the future construction of Treeline Avenue. The funding of the future road construction will be undertaken by a separate community development district (Arborwood CDD).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: In association with the Petition, the Petitioner has caused a Statement of Estimated Regulatory Costs (“SERC”) to be prepared in compliance with Section 120.541, F.S. The complete text of the SERC (as amended) is contained at Exhibit “7” to the Petition. By way of summary, the SERC (as amended) estimates that the principal individuals and entities likely to be required to comply with the amended rule are the state, the City of Fort Myers, Lee County, Florida,

the District and especially the landowners within the District's amended boundaries. The SERC (as amended) estimates the type of individuals likely to be affected by the amended rule as landowners within the District's amended boundaries. The SERC (as amended) 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 SERC (as amended) indicates that if the petition to contract the District is approved there will be no change in the capital assessment on any individual equivalent residential unit. The area being contracted out of the District contains no infrastructure funded by District bonds, nor are there any operations or maintenance fees attendant to such infrastructure allocated to the contraction parcel. Finally, the SERC (as amended) concludes that the amended rule's effect on small businesses will be minimal or positive, that Lee County is not a "small" county as defined by Section 120.52, F.S., nor is the City of Fort Myers a "small" city under Section 120.52, F.S. The SERC (as amended) analysis is based on a straightforward application of economic theory with input received from the developer's engineer and other professionals associated with the developer.

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: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

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

TIME AND DATE: 1:00 p.m., Thursday, February 3, 2005

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

42F-1.002 Boundary.

The boundaries of the district are as follows:

~~DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 44 SOUTH RANGE 25 EAST, AND SECTIONS 1,2,3,11 AND 12 TOWNSHIP 45 SOUTH, RANGE 25 EAST, AND SECTION 31, TOWNSHIP 44 SOUTH, RANGE 26 EAST, AND SECTIONS 5,6,7,8,17,18 AND 19, TOWNSHIP 45 SOUTH, RANGE 26 EAST LEE COUNTY, FLORIDA (EXISTING DISTRICT BOUNDARY) PARCEL "A"~~

~~A TRACT OR PARCEL OF LAND LYING IN SECTION 35 TOWNSHIP 44 SOUTH, RANGE 25 EAST, SECTIONS 1, 2, 11 AND 12, TOWNSHIP 45 SOUTH, RANGE 25 EAST; SECTION 31, TOWNSHIP 44 SOUTH, RANGE 26 EAST AND IN SECTIONS 5, 6, 7, 8, 17, 18 AND 19, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:~~

~~COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35 RUN N 00°47'42" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION FOR 2643.18 FEET TO THE QUARTER CORNER ON THE WEST LINE OF SAID SECTION; THENCE RUN N 00°43'47" W ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION FOR 1361.42 FEET; THENCE RUN N 35°45'29" E FOR 947.82 FEET; THENCE RUN N 56°15'44" E FOR 690.61 FEET TO THE SOUTH LINE OF THE COLONIAL BOULEVARD RIGHT-OF-WAY (STATE ROAD 884) (250 FEET WIDE); THENCE RUN S 89°38'27" E ALONG SAID SOUTH LINE FOR 539.91 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°38'27" E ALONG SAID SOUTH LINE FOR 2224.05 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION; THENCE RUN S 02°16'01" E ALONG SAID WEST LINE FOR 1168.38 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE RUN N 89°54'24" E ALONG THE SOUTH LINE OF SAID SECTION FOR 1324.86 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN S 03°20'25" E FOR 1284.37 FEET TO THE QUARTER CORNER ON THE EAST LINE OF SAID SECTION; THENCE RUN S 00°01'59" E ALONG SAID EAST LINE FOR 2635.65 FEET TO THE NORTHWEST CORNER OF SAID SECTION 1; THENCE RUN N 89°28'42" E ALONG~~

THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 1 FOR 2642.98 FEET TO THE QUARTER CORNER ON SAID NORTH LINE; THENCE RUN S 89°57'06" E ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 1 FOR 2523.38 FEET TO THE NORTHEAST CORNER OF SAID SECTION; THENCE RUN N 00°57'01" W ALONG THE WEST LINE OF SAID SECTION 31 FOR 2644.12 FEET TO THE QUARTER CORNER ON SAID WEST LINE; THENCE RUN N 00°35'02" W ALONG SAID WEST LINE OF SAID SECTION 31 FOR 1705.47 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF IMMOKALEE ROAD (STATE ROAD 82) (200 FEET WIDE); THENCE RUN S 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 6215.51 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 31; THENCE CONTINUES 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 1227.27 FEET TO AN INTERSECTION WITH A LINE COMMON TO SAID SECTIONS 5 AND 6; THENCE CONTINUE S 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 1535.36 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE ALONG THE ARC OF A CURVE TO THE LEFT OF RADIUS 5824.88 FEET (DELTA 18°13'21") (CHORD BEARING S 55°14'10" E) (CHORD 1844.76 FEET) FOR 1852.55 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID SOUTHWESTERLY LINE S 64°20'50" E FOR 22.21 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST HALF (W 1/2) OF SAID SECTION 5; THENCE RUN S 00°06'33" E ALONG SAID EAST LINE FOR 2271.81 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 5 AND 8; THENCE RUN S 01°02'00" E ALONG THE EAST LINE OF THE WEST HALF (W 1/2) OF SAID SECTION 8 FOR 3028.35 FEET; THENCE RUN N 89°33'57" E FOR 605.03 FEET; THENCE RUN S 01°02'02" E FOR 1800.10 FEET; THENCE S 89°33'57" W FOR 605.03 FEET; THENCE RUN S 01°02'00" E FOR 500.03 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 8 AND 17; THENCE RUN S 01°00'12" E ALONG THE EAST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 17 FOR 926.76 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A FLORIDA POWER & LIGHT COMPANY SUBSTATION SITE AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 1606 AT PAGE 1286, LEE COUNTY RECORDS; THENCE RUN N 37°57'04" W ALONG SAID NORTHEASTERLY LINE FOR 361.70 FEET; THENCE RUN S 52°02'56" W ALONG THE NORTHWESTERLY LINE OF SAID SITE FOR 361.70 FEET; THENCE RUN S 37°57'04" E ALONG THE SOUTHWESTERLY LINE OF SAID SITE FOR 741.48 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF DANIELS ROAD

EXTENSION (200 FEET WIDE) AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 1644 AT PAGE 1739, LEE COUNTY RECORDS; THENCE RUN N 68°38'13" E ALONG SAID NORTHWESTERLY LINE FOR 64.84 FEET TO AN INTERSECTION WITH SAID EASTERLY LINE OF SAID NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 17; THENCE RUN S 01°00'12" E ALONG SAID EAST LINE FOR 1238.52 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN S 89°30'38" W ALONG THE SOUTH LINE OF SAID FRACTION AND A NORTH LINE OF THE SOUTHWEST FLORIDA REGIONAL AIRPORT FOR 2110.83 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF SAID DANIELS ROAD EXTENSION; THENCE RUN S 54°00'05" W THROUGH SAID SECTIONS 17, 18, AND 19 ALONG THE SOUTHEASTERLY LINE OF A ROAD RIGHT-OF-WAY (200 FEET WIDE) FOR 7032.17 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SECTION 19; THENCE RUN N 00°55'36" W ALONG SAID WEST LINE FOR 1477.45 FEET TO THE NORTHWEST CORNER OF SAID SECTION; THENCE RUN N 00°54'13" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 18 FOR 2643.95 FEET TO THE QUARTER CORNER OF SAID WEST LINE; THENCE RUN N 00°39'39" W ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 18 FOR 2647.35 FEET TO THE NORTHWEST CORNER OF SAID SECTION; THENCE RUN N 00°57'26" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 7 FOR 2645.34 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 7 AND 12; THENCE RUN S 89°55'12" W ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 12 FOR 2524.67 FEET TO THE WEST LINE OF THE EAST 2524.14 FEET OF SAID NORTHEAST QUARTER (NE 1/4); THENCE RUN N 01°05'33" W ALONG SAID WEST LINE FOR 2646.07 FEET TO THE SOUTH LINE OF SAID SECTION 1; THENCE RUN S 89°56'14" W ALONG SAID SOUTH LINE FOR 2663.19 FEET TO THE SOUTHWEST CORNER OF SAID SECTION, PASSING THROUGH THE QUARTER CORNER ON THE SOUTH LINE OF SAID SECTION AT 69.26 FEET; THENCE RUN S 89°03'50" W ALONG THE SOUTH LINE OF SAID SECTION 2 FOR 3096.18 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF PROPOSED TREELINE BOULEVARD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARING AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2625.00 FEET (DELTA 29°13'02") (CHORD BEARING S 15°09'16" W) (CHORD 1324.12 FEET) FOR 1338.58 FEET TO A POINT OF TANGENCY; THENCE RUN S 29°45'46" W FOR 618.63 FEET; THENCE ALONG THE ARC OF A CURVE TO THE

LEFT HAVING A RADIUS OF 1487.50 FEET (DELTA 28°50'26") (CHORD BEARING S 15°20'33" W) (CHORD 740.87 FEET) FOR 748.75 FEET TO A POINT OF TANGENCY; THENCE RUN S 00°55'22" W FOR 166.10 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 11; THENCE RUN S 88°33'56" W ALONG SAID LINE FOR 125.11 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF PROPOSED TREELINE BOULEVARD; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING BEARING AND DISTANCES: THENCE RUN N 00°55'22" E FOR 171.23 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1612.50 FEET (DELTA 28°50'26") (CHORD BEARING N 15°20'33" E) (CHORD 803.13 FEET) FOR 811.67 FEET TO A POINT OF TANGENCY; THENCE N 29 1/2°45'46" E FOR 618.63 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2500.00 FEET (DELTA 33°36'51") (CHORD BEARING N 12°57'22" W) (CHORD 1445.75 FEET) FOR 1466.69 FEET TO A POINT OF TANGENCY; THENCE N 03°51'03" W FOR 959.31 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2800.06 FEET (DELTA 10°24'15") (CHORD BEARING N 01°21'04" E) (CHORD 507.76 FEET) FOR 508.45 FEET TO A POINT OF TANGENCY; THENCE N 06°33'12" E FOR 1166.54 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1000.00 FEET (DELTA 43°02'49") (CHORD BEARING N 14°58'12" W) (CHORD 733.76 FEET) FOR 751.31 FEET TO A POINT OF TANGENCY; THENCE N 36°29'36" W FOR 266.36 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2000.00 FEET (DELTA 37°40'00") (CHORD BEARING N 17°39'36" W) (CHORD 1291.27 FEET) FOR 1314.81 FEET TO A POINT OF TANGENCY; THENCE N 01°10'24" E FOR 245.33 FEET; THENCE S 89°25'36" W LEAVING SAID WEST LINE FOR 114.67 FEET TO A POINT ON THE EAST LINE OF TREELINE BOULEVARD (TO BE RE-ALIGNED) AS DESCRIBED IN OFFICIAL RECORD BOOK 1529 BEGINNING AT PAGE 412 OF THE PUBLIC RECORDS OF LEE COUNTY; THENCE N 00°02'17" W FOR 68.31 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SECTION 34, TOWNSHIP 44 SOUTH, RANGE 25 EAST; THENCE N 01°00'06" W ALONG SAID EAST LINE OF TREELINE BOULEVARD (TO BE RE-ALIGNED) FOR 2642.68 FEET; THENCE N 00°58'02" W ALONG SAID EAST LINE OF TREELINE BOULEVARD (TO BE RE-ALIGNED) FOR 1048.01 FEET TO A POINT ON A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1050.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S 47°49' 01" E; SAID POINT ALSO BEING ON THE EAST LINE OF A ROAD RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORD BOOK 2581

BEGINNING AT PAGE 4060 OF THE LEE COUNTY RECORDS; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1050.00 FEET (DELTA 41°49'26") (CHORD BEARING N 21°16'16" E) (CHORD 749.56 FEET) FOR 766.46 FEET TO A POINT OF TANGENCY; THENCE N 00°21'33" E ALONG SAID EAST LINE FOR 721.50 FEET; THENCE N 45°21'33" E FOR 42.68 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,390 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 10, TOWNSHIP 45 SOUTH, RANGE 25 EAST AS BEARING S88°57'32"W.

TOGETHER WITH:

DESCRIPTION

SECTION 3, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

PARCEL "B"

A TRACT OR PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3 RUN N 88°37'17" E ALONG THE NORTH LINE OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 3 FOR 2477.68 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE 75 (I 75) (STATE ROAD NO. 93) (324 FEET WIDE) AND THE POINT OF BEGINNING; THENCE RUN S 14°49'52" E ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 677.94 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 3; THENCE RUN S 00°49'05" E ALONG SAID EAST LINE FOR 1299.77 FEET TO THE NORTHWEST CORNER OF THE WEST HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION; THENCE RUN N 88°12'52" E ALONG THE NORTH LINE OF SAID FRACTION FOR 323.06 FEET TO AN INTERSECTION WITH SAID WESTERLY LINE OF STATE ROAD NO. 93; THENCE RUN S 14°49'52" E ALONG SAID WESTERLY LINE FOR 2.67 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID FRACTION; THENCE RUN S 00°37'05" E ALONG SAID EAST LINE FOR 650.21 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN N 88°09'46" E ALONG THE NORTH LINE OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SAID SECTION 3 FOR 163.88 FEET TO AN INTERSECTION WITH SAID WESTERLY RIGHT OF WAY LINE; THENCE RUN S 14°49'52" E ALONG SAID WESTERLY

RIGHT-OF-WAY LINE FOR 1474.99 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 22800.31 FEET (CHORD BEARING S 13°33'28" E) (CHORD 1013.23 FEET) (DELTA 02°32'47") FOR 1013.31 FEET TO A POINT ON A NON-TANGENT LINE; THENCE RUN N 82°23'52" W FOR 122.32 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE RUN NORTHERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 22685.31 FEET (CHORD BEARING N 13°36'38" W) (CHORD 966.55 FEET) (DELTA 02°26'29") FOR 966.63 FEET TO A POINT OF TANGENCY; THENCE RUN N 14°49'52" W FOR 542.01 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY ALONG AN ARC OF A CURVE TO THE LEFT OF RADIUS 250.00 FEET (CHORD BEARING N 54°04'24" W) (CHORD 316.30 FEET) (DELTA 78°29'05") FOR 342.45 FEET TO A POINT OF TANGENCY; THENCE RUN S 86°41'03" W FOR 1133.06 FEET; THENCE RUN N 02°10'37" W FOR 387.06 FEET; THENCE RUN N 87°40'37" W FOR 838.00 FEET; THENCE RUN N 01°19'23" E FOR 243.00 FEET; THENCE RUN S 88°09'46" W FOR 190.18 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF SIX MILE CYPRESS PRESERVE, AS RECORDED IN OFFICIAL RECORD BOOK 1741 AT PAGE 1241 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING FIFTEEN (13) COURSES ALONG SAID SOUTHEASTERLY LINE;

N 15°42'08" E FOR 184.34 FEET;
 N 20°55'23" E FOR 222.23 FEET;
 N 45°09'19" E FOR 183.23 FEET;
 N 31°07'36" E FOR 305.01 FEET;
 N 32°55'08" E FOR 155.78 FEET;
 N 17°03'28" E FOR 110.45 FEET;
 N 26°26'47" E FOR 300.81 FEET;
 N 18°42'17" E FOR 150.86 FEET;
 N 04°51'19" W FOR 340.19 FEET;
 N 12°09'34" E FOR 251.79 FEET;
 N 27°12'34" E FOR 210.15 FEET;
 N 14°53'31" E FOR 323.53 FEET;
 N 35°18'42" E FOR 275.49 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 3; THENCE RUN N 88°37'17" E ALONG SAID NORTH LINE FOR 530.87 FEET TO THE POINT OF BEGINNING.

CONTAINING 111.14 ACRES, MORE OR LESS.
 TOTAL AREA FOR BOTH PARCELS 4,501.14 ACRES, MORE OR LESS.
 BEARINGS HEREINABOVE MENTIONED ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 3 TO BEAR N 88°37'17" W

WHICH BEARING IS DERIVED FROM PLANE COORDINATE FOR THE FLORIDA WEST ZONE (1979 ADJUSTMENT).

DESCRIPTION OF A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST, AND SECTIONS 1, 2, 3, 11 AND 12 TOWNSHIP 45 SOUTH, RANGE 25 EAST, AND SECTION 31, TOWNSHIP 44 SOUTH, RANGE 26 EAST, AND SECTIONS 5, 6, 7, 8, 17, 18 AND 19, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA (NEW DISTRICT BOUNDARY) (REVISED 01-26-2004) PARCEL "A"

A TRACT OR PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 44 SOUTH, RANGE 25 EAST, SECTIONS 1, 2, 11 AND 12, TOWNSHIP 45 SOUTH, RANGE 25 EAST, SECTION 31, TOWNSHIP 44 SOUTH, RANGE 26 EAST AND IN SECTIONS 5, 6, 7, 8, 17, 18 AND 19, TOWNSHIP 45 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35 RUN N 00°47'42" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION FOR 2643.18 FEET TO THE QUARTER CORNER ON THE WEST LINE OF SAID SECTION; THENCE RUN N 00°43'47" W ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION FOR 1361.42 FEET; THENCE RUN N 35°45'29" E FOR 947.82 FEET; THENCE RUN N 56°15'44" E FOR 690.61 FEET TO THE SOUTH LINE OF THE COLONIAL BOULEVARD RIGHT-OF-WAY (STATE ROAD 884) (250 FEET WIDE); THENCE RUN S 89°38'27" E ALONG SAID SOUTH LINE FOR 540.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°38'27" E ALONG SAID SOUTH LINE FOR 2223.90 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 35; THENCE RUN S 02°16'01" E ALONG SAID WEST LINE FOR 1168.38 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE RUN N 89°54'24" E ALONG THE SOUTH LINE OF SAID FRACTION FOR 1324.86 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN S 03°20'25" E FOR 1284.37 FEET TO THE QUARTER CORNER ON THE EAST LINE OF SAID SECTION 35; THENCE RUN S 00°01'59" E ALONG SAID EAST LINE FOR 2635.65 FEET TO THE NORTHWEST CORNER OF SAID SECTION 1; THENCE RUN N 89°28'42" E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 1 FOR 2642.98 FEET TO THE QUARTER CORNER ON SAID

NORTH LINE; THENCE RUN S 89°57'06" E ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 1 FOR 2523.38 FEET TO THE NORTHEAST CORNER OF SAID SECTION 1; THENCE RUN N 00°57'01" W ALONG THE WEST LINE OF SAID SECTION 31 FOR 2644.12 FEET TO THE QUARTER CORNER ON SAID WEST LINE; THENCE RUN N 00°35'02" W ALONG SAID WEST LINE OF SAID SECTION 31 FOR 1705.47 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF IMMOKALEE ROAD (STATE ROAD 82) (200 FEET WIDE); THENCE RUN S 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 6215.51 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 31; THENCE CONTINUE S 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 1227.27 FEET TO AN INTERSECTION WITH A LINE COMMON TO SAID SECTIONS 5 AND 6; THENCE CONTINUE S 46°07'29" E ALONG SAID SOUTHWESTERLY LINE FOR 1535.36 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 5824.88 FEET (DELTA 18°13'21") (CHORD BEARING S 55°14'10" E) (CHORD 1844.76 FEET) FOR 1852.55 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID SOUTHWESTERLY LINE S 64°20'50" E FOR 22.21 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST HALF (W 1/2) OF SAID SECTION 5; THENCE RUN S 00°06'33" E ALONG SAID EAST LINE FOR 2271.81 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 5 AND 8; THENCE RUN S 01°02'00" E ALONG THE EAST LINE OF THE WEST HALF (W 1/2) OF SAID SECTION 8 FOR 3028.35 FEET; THENCE RUN N 89°33'57" E FOR 605.03 FEET; THENCE RUN S 01°02'02" E FOR 1800.10 FEET; THENCE S 89°33'57" W FOR 605.03 FEET; THENCE RUN S 01°02'00" E FOR 500.03 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 8 AND 17; THENCE RUN S 01°00'12" E ALONG THE EAST LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 17 FOR 926.76 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A FLORIDA POWER & LIGHT COMPANY SUBSTATION SITE AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 1606 AT PAGE 1286, LEE COUNTY RECORDS; THENCE RUN N 37°57'04" W ALONG SAID NORTHEASTERLY LINE FOR 361.70 FEET; THENCE RUN S 52°02'56" W ALONG THE NORTHWESTERLY LINE OF SAID SITE FOR 361.70 FEET; THENCE RUN S 37°57'04" E ALONG THE SOUTHWESTERLY LINE OF SAID SITE FOR 741.48 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF DANIELS ROAD EXTENSION (200 FEET WIDE) AS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORD BOOK 1644 AT PAGE

1739, LEE COUNTY RECORDS; THENCE RUN N 68°38'13" E ALONG SAID NORTHWESTERLY LINE FOR 64.84 FEET TO AN INTERSECTION WITH SAID EASTERLY LINE OF SAID NORTHWEST QUARTER (NW ¼) OF SAID SECTION 17; THENCE RUN S 01°00'12" E ALONG SAID EAST LINE FOR 1238.52 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN S 89°30'38" W ALONG THE SOUTH LINE OF SAID FRACTION AND A NORTH LINE OF THE SOUTHWEST FLORIDA REGIONAL AIRPORT FOR 2110.83 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF SAID DANIELS ROAD EXTENSION; THENCE RUN S 54°00'05" W THROUGH SAID SECTIONS 17, 18, AND 19 ALONG THE SOUTHEASTERLY LINE OF A ROAD RIGHT-OF-WAY (200 FEET WIDE) FOR 7032.17 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SECTION 19; THENCE RUN N 00°55'36" W ALONG SAID WEST LINE FOR 1477.45 FEET TO THE NORTHWEST CORNER OF SAID SECTION 19; THENCE RUN N 00°54'13" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 18 FOR 2643.95 FEET TO THE QUARTER CORNER OF SAID WEST LINE; THENCE RUN N 00°39'39" W ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 18 FOR 2647.35 FEET TO THE NORTHWEST CORNER OF SAID SECTION 18; THENCE RUN N 00°57'26" W ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 7 FOR 2645.00 FEET TO THE QUARTER CORNER COMMON TO SAID SECTIONS 7 AND 12; THENCE RUN S 89°55'48" W ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 12 FOR 2524.10 FEET TO THE WEST LINE OF THE EAST 2524.14 FEET OF SAID NORTHEAST QUARTER (NE ¼); THENCE RUN N 01°05'49" W ALONG SAID WEST LINE FOR 2646.14 FEET TO THE SOUTH LINE OF SAID SECTION 1; THENCE RUN S 89°55'59" W ALONG SAID SOUTH LINE FOR 2663.14 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 1, PASSING THROUGH THE QUARTER CORNER ON THE SOUTH LINE OF SAID SECTION AT 69.26 FEET; THENCE RUN S 89°03'32" W ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION 2 FOR 2645.22 FEET; THENCE RUN S 89°04'48" W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW ¼) OF SAID SECTION 2 FOR 451.46 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF TREELINE AVENUE; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2625.00 FEET (DELTA 04°23'58") (CHORD BEARING N 01°39'04" W) (CHORD 201.51 FEET) FOR 201.56 FEET TO A POINT OF TANGENCY; THENCE RUN N 03°51'03" W FOR 959.31 FEET; THENCE ALONG

THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2675.06 FEET (DELTA 5°12'07") (CHORD BEARING N 01°14'59" W) (CHORD 242.79 FEET) FOR 242.87 FEET; THENCE RUN N 88°38'56" W FOR 125.00 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF TREELINE AVENUE; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2800.06 FEET (DELTA 05°12'08") (CHORD BEARING N 03°57'08" E) (CHORD 254.15 FEET) FOR 254.23 FEET TO A POINT OF TANGENCY; THENCE RUN N 06°33'12" E FOR 1166.54 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1000.00 FEET (DELTA 43°02'48") (CHORD BEARING N 14°58'12" W) (CHORD 733.76 FEET) FOR 751.31 FEET TO A POINT OF TANGENCY; THENCE RUN N 36°29'36" W FOR 266.36 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2000.00 FEET (DELTA 37°40'00") (CHORD BEARING N 17°39'36" W) (CHORD 1291.27 FEET) FOR 1314.81 FEET TO A POINT OF TANGENCY; THENCE RUN N 01°10'24" E FOR 245.53 FEET; THENCE S 89°25'36" W FOR 114.69 FEET; THENCE N 00°02'17" W FOR 68.12 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SECTION 35; THENCE N 01°00'06" W FOR 2642.68 FEET; THENCE N 00°58'02" W FOR 1048.01 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1050.00 FEET (DELTA 41°49'26") (CHORD BEARING N 21°16'16" E) (CHORD 749.56 FEET) FOR 766.46 FEET TO A POINT OF TANGENCY; THENCE N 00°21'33" E FOR 721.50 FEET; THENCE N 45°21'33" E FOR 42.68 FEET TO THE (POINT OF BEGINNING).

CONTAINING 4377.44 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN) BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST AS BEARING S 89°03'50" W.

TOGETHER WITH:

DESCRIPTION

SECTION 3, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
PARCEL "B"

A TRACT OR PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA WHICH TRACT OR PARCEL IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 3 RUN N 88°37'17" E ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER

(NW 1/4) OF SAID SECTION 3 FOR 2477.68 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 (I-75) (STATE ROAD NO. 93) (324 FEET WIDE) AND THE POINT OF BEGINNING; THENCE RUN S 14°49'52" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 677.94 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 3; THENCE RUN S 00°49'05" E ALONG SAID EAST LINE FOR 1299.77 FEET TO THE NORTHWEST CORNER OF THE WEST HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION; THENCE RUN N 88°12'52" E ALONG THE NORTH LINE OF SAID FRACTION FOR 323.06 FEET TO AN INTERSECTION WITH SAID WESTERLY LINE OF STATE ROAD NO. 93; THENCE RUN S 14°49'52" E ALONG SAID WESTERLY LINE FOR 2.67 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID FRACTION; THENCE RUN S 00°37'05" E ALONG SAID EAST LINE FOR 650.21 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE RUN N 88°09'46" E ALONG THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 3 FOR 163.88 FEET TO AN INTERSECTION WITH SAID WESTERLY RIGHT-OF-WAY LINE; THENCE RUN S 14°49'52" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 1474.99 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHERLY ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 22800.31 FEET (CHORD BEARING S 13°33'28" E) (CHORD 1013.23 FEET) (DELTA 02°32'47") FOR 1013.31 FEET TO A POINT ON A NON-TANGENT LINE; THENCE RUN N 82°23'52" W FOR 122.32 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE RUN NORTHERLY ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 22685.31 FEET (CHORD BEARING N 13°36'38" W) (CHORD 966.55 FEET) (DELTA 02°26'29") FOR 966.63 FEET TO A POINT OF TANGENCY; THENCE RUN N 14°49'52" W FOR 542.01 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 250.00 FEET (CHORD BEARING N 54°04'24" W) (CHORD 316.30 FEET) (DELTA 78°29'05") FOR 342.45 FEET TO A POINT OF TANGENCY; THENCE RUN S 86°41'03" W FOR 1133.06 FEET; THENCE RUN N 02°10'37" W FOR 387.06 FEET; THENCE RUN N 87°40'37" W FOR 838.00 FEET; THENCE RUN N 01°19'23" E FOR 243.00 FEET; THENCE RUN S 88°09'46" W FOR 190.18 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF SIX MILE CYPRESS PRESERVE, AS RECORDED IN OFFICIAL RECORD BOOK 1741 AT PAGE 1241 OF THE PUBLIC RECORDS

OF LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING THIRTEEN (13) COURSES ALONG SAID SOUTHEASTERLY LINE:
N 15°42'08" E FOR 184.34 FEET;
N 20°55'23" E FOR 222.23 FEET;
N 45°09'19" E FOR 183.23 FEET;
N 31°07'36" E FOR 305.01 FEET;
N 32°55'08" E FOR 155.78 FEET;
N 17°03'28" E FOR 110.45 FEET;
N 26°26'47" E FOR 300.81 FEET;
N 18°42'17" E FOR 150.86 FEET;
N 04°51'19" W FOR 340.19 FEET;
N 12°09'34" E FOR 251.79 FEET;
N 27°12'34" E FOR 210.15 FEET;
N 14°53'31" E FOR 323.53 FEET;
N 35°18'42" E FOR 275.49 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 3; THENCE RUN N 88°37'17" E ALONG SAID NORTH LINE FOR 530.87 FEET TO THE POINT OF BEGINNING. CONTAINING 111.14 ACRES, MORE OR LESS. BEARINGS HEREIN ABOVE MENTIONED ARE BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 3 TO BEAR N 88°37'17" E WHICH BEARING IS DERIVED FROM PLANE COORDINATE FOR THE FLORIDA WEST ZONE (1979 ADJUSTMENT). TOTAL AREA FOR ALL PARCELS 4488.58 ACRES, MORE OR LESS.

Specific Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History—New 5-22-86, Amended 7-29-02, 11-12-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1802, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General	61C-1
RULE TITLE:	RULE NO.:
Definitions	61C-1.001

PURPOSE AND EFFECT: The purpose of this rule is to adopt part of the *2001 Recommendations of the United States Public Health Service Food and Drug Administration* (FDA Food Code) into the sanitation and safety rules in Title 61C, Florida Administrative Code. Additionally, the division seeks to adopt the *2001 Food Code Errata Sheet* (August 23, 2002) and the *Supplement to the 2001 FDA Food Code* (August 29, 2003), both of which provide corrections and updates to the original 2001 FDA Food Code. These rules affect regulation of all public lodging and public food service establishments licensed by the Division of Hotels and Restaurants in the State of Florida.

SUMMARY: Since 1996, the Division of Hotels and Restaurants has successively adopted significant portions of the FDA Food Code as current editions of the federal standards are published. Promulgation of this rule adopts the same portions of the 2001 edition of this code and updates from the currently adopted 1999 FDA Food Code. Copies of the 2001 FDA Food Code are available on the Internet at http://www.myflorida.com/dbpr/hr/rules_statutes/index.shtml or may be obtained from: Lee Cornman, Division of Hotels and Restaurants Tallahassee Office, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, (850)488-1133.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 509.032(6) FS.

LAW IMPLEMENTED: 509.032(3)(a) FS.

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

TIME AND DATE: 10:00 a.m. EST, Friday, January 21, 2005

PLACE: Secretary's Conference Room, Room 259, The Johns Building, 725 South Bronough Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lee M. Cornman, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-1133

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-1.001 Definitions.

Except when otherwise defined in this rule, the definitions provided in paragraph 1-201.10(B), Food Code, ~~2001-1999~~ *Recommendations of the United States Public Health Service/Food and Drug Administration*, the 2001 Food Code Errata Sheet (August 23, 2002), and Supplement to the 2001

FDA Food Code (August 29, 2003), herein adopted by reference, shall apply to Chapters 61C-1, 61C-3 and 61C-4, F.A.C. In addition, the following definitions apply to Chapters 61C-1, 61C-3 and 61C-4, F.A.C.:

(1) through (13) No change.

(14) Food Code – Food Code, 2001 ~~1999~~ *Recommendations of the United States Public Health Service/Food and Drug Administration including Appendix 3 and Appendix 5 of the Food Code, the 2001 Food Code Errata Sheet (August 23, 2002), and Supplement to the 2001 FDA Food Code (August 29, 2003).*

(15) through (30) No change.

Specific Authority 509.032(6) FS. Law Implemented 509.032 FS. History–Amended 9-20-63, 3-21-64, 1-7-70, Revised 2-4-71, Amended 10-18-71, 11-17-73, 12-18-74, 12-5-82, Formerly 7C-1.01, Amended 9-10-89, 12-31-90, 2-27-92, 11-4-92, Formerly 7C-1.001, Amended 3-31-94, 10-9-95, 9-25-96, 1-1-98, 12-6-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lee M. Cornman, Operations Review Specialist, Division of Hotels & Restaurants, Department of Business & Professional Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE: Public Food Service Establishments

RULE CHAPTER NO.: 61C-4

RULE TITLE: Sanitation and Safety Requirements

RULE NO.: 61C-4.010

PURPOSE AND EFFECT: Concurrent with the proposed adoption of part of the *2001 Recommendations of the United States Public Health Service Food and Drug Administration (FDA Food Code)* into the sanitation and safety rules in Title 61C, Florida Administrative Code, the purpose of this proposed rule modification is to eliminate previous rule exemptions to the FDA Food Code. Significant scientific evidence has been provided by the United States Public Health Service Food and Drug Administration and other food safety resources to indicate that continued exemption of the consumer advisory provisions of section 3-603.11, Food Code, and the fingernail maintenance requirements of section 2.302.11(B), Food Code, may be detrimental to the health, safety and welfare of the dining public. These rules affect regulation of all public food service establishments licensed by the Division of Hotels and Restaurants in the State of Florida.

SUMMARY: This rule adoption will address removal of exemptions relative to the consumer advisory provisions of section 3-603.11, Food Code, and the fingernail maintenance requirements of subsection 2.302.11(B), Food Code, as they apply to the division’s adoption of the 2001 FDA Food Code. Copies of the 2001 FDA Food Code, with Supplement and Errata Sheet, are available on the Internet at www.myflorida.com/dbpr/hr/rules_statutes/index.shtml or may be obtained from: Lee Cornman, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, (850)488-1133.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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: 509.032(6) FS.

LAW IMPLEMENTED: 509.032(3)(a) FS.

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

TIME AND DATE: 10:00 a.m. EST, Friday, January 21, 2005
PLACE: Secretary’s Conference Room, Room 259, The Johns Building, 725 South Bronough Street, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lee M. Cornman, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-1133

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-4.010 Sanitation and Safety Requirements.

(1) Food Supplies and Food Protection – except as specifically provided in this rule, public food service establishments shall be subject to the provisions of Chapter 3, Food Code, herein adopted by reference.

(a) through (g) No change.

~~(h) Public food service establishments are exempted from the consumer advisory provisions of section 3-603.11, Food Code.~~

~~(i) Employees in public food service establishments are exempted from the fingernail maintenance requirements of section 2-302.11(B), Food Code.~~

(2) through (7) No change.

Specific Authority 509.032(2)(d), 509.032(6) FS. Law Implemented 509.032(2)(d),(3)(a)(b)(c), 509.035, 509.221 FS. History–New 1-1-77, Amended 1-6-81, Formerly 10D-13.23, Amended 2-21-91, Formerly 10D-13.023, Formerly 7C-4.010, Amended 3-31-94, 9-25-96, 1-1-98, 7-2-98, 12-6-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lee M. Cornman, Operations Review Specialist, Division of
Hotels & Restaurants, Department of Business & Professional
Regulation
NAME OF PERSON OR SUPERVISOR WHO APPROVED
THE PROPOSED RULE: Diane Carr, Secretary, Department
of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 14, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 10, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Construction Industry Licensing Board

RULE TITLE: Fees
RULE NO.: 61G4-12.009

PURPOSE AND EFFECT: The Board proposes to amend the
fees for certification by examination.

SUMMARY: The Certification and Registration fees will be
amended as prescribed by the Department, and approved by the
Board.

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

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

SPECIFIC AUTHORITY: 455.213(2), 455.217(2), 455.219(1),
455.271(8), 489.108, 489.118 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.213(2), 455.217(2),
455.219(1), 455.271(7),(8), 489.118 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
THIS NOTICE, A HEARING WILL BE SCHEDULED AND
ANNOUNCED AT THE BOARD’S NEXT MEETING.

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Tim Vaccaro, Executive Director,
Construction Industry Licensing Board, 1940 North Monroe
Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-12.009 Fees.

The following fees are prescribed by the Board:

(1) Application for Certification by Examination; Refund.

(a) The application and examination fee for an applicant
for certification shall be three hundred thirty-~~five~~ ~~eight~~ dollars
(~~\$335~~ ~~338~~) and shall be nonrefundable. Said fee shall cover
both the processing of the application for certification and the
administration of the examination. The applicant will pay one
hundred thirty-~~five~~ ~~eight~~ dollars (~~\$135~~ ~~138~~) directly to the
examination vendor upon scheduling of the examination. The

applicant will pay the Department two hundred dollars (\$200)
to cover examination administration and for processing of the
application after they have successfully passed the
examination.

(b) For an unsuccessful examinee or approved applicant
who failed to appear at the examination, the fee for the next
subsequent examination shall be one hundred thirty-~~five~~ ~~eight~~
dollars (~~\$135~~ ~~138~~) and paid directly to the examination vendor
upon – scheduling of the examination. The one hundred
thirty-~~five~~ ~~eight~~ dollars (~~\$135~~ ~~138~~) shall be nonrefundable.

(2) through (13) No change.

Specific Authority 455.213(2), 455.217(2), 455.219(1), 455.271(8), 489.108,
489.118 FS. Law Implemented 119.07(1)(A), 455.213(2), 455.217(2),
455.219(1), 455.271(7),(8), 489.109 FS. History–New 10-1-79, Formerly
21E-12.01, Amended 1-6-80, 12-16-80, 3-16-81, 5-31-81, 11-14-82, 4-3-84,
Formerly 21E-12.09, Amended 2-4-87, 1-26-88, 6-21-88, 9-19-88, 4-18-89,
5-23-89, 8-23-89, 5-29-90, 3-20-91, 12-21-92, 1-28-93, 7-14-93, Formerly
21E-12.009, Amended 7-18-94, 6-27-95, 8-29-95, 9-18-96, 2-4-98, 2-10-00,
2-6-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim Vaccaro, Executive Director of the 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 12, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 5, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Construction Industry Licensing Board

RULE TITLE: Required Records Maintained
by Course Providers
RULE NO.: 61G4-18.007

PURPOSE AND EFFECT: The Board proposes to amend the
time frame that a course provider must electronically provide
information to the Department, consistent with change to
Section 455.2178, F.S.

SUMMARY: Time frame changed to be consistent with
Section 455.2178, F.S.

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

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

SPECIFIC AUTHORITY: 455.2123, 455.213(6), 455.2177,
455.2178, 489.108, 489.115(4)(b) FS.

LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177,
455.2178, 489.115(4)(b) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED AT THE BOARD'S NEXT MEETING. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-18.007 Required Records Maintained by Course Providers.

Each course provider must maintain the following records with respect to each course:

(1) through (7) No change.

(8) The course provider must electronically provide to the Department the list of attendees at each of its offered courses thirty calendar (30) five (5) business days of the completion of the course or prior to the licensee's renewal date, whichever occurs sooner. This list shall include the provider's name and provider number, the name and certification or registration number of the attendee, the date the course was completed, and the course number.

(9) through (11) No change.

Specific Authority 455.2123, 455.213(6), 455.2177, 455.2178, 489.108, 489.115(4)(b) FS. Law Implemented 455.2123, 455.213(6), 455.2177, 455.2178, 489.115(4)(b) FS. History--New 12-2-93, Amended 7-2-95, 11-25-97, 4-15-99, 3-30-00, 3-25-01, 7-26-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tim Vaccaro, Executive Director of the 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 12, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 2004

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 Pharmacy

RULE TITLES:	RULE NOS.:
Pharmacists Newly Licensed	64B16-26.100
Fees and License Renewal Application	64B16-26.101
Inactive License Renewal	64B16-26.102
Consultant Pharmacists Initial Registration	
Fee and Renewal Fee	64B16-26.105
Nuclear Pharmacists Initial Registration	
Fee and Renewal Fee	64B16-26.106
Inactive Nuclear Pharmacist	
License Renewal	64B16-26.107
Examination Fees	64B16-26.2035

PURPOSE AND EFFECT: The Board proposes the rule repeals as new updated rules addressing licensure fees have been adopted to replace these rules.

SUMMARY: The rules are being repealed.

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(2), 465.005, 465.008, 465.012, 465.0125, 465.0126, 465.022(8) FS.

LAW IMPLEMENTED: 456.0126, 456.013(2), 456.036, 456.064, 465.007, 465.008, 465.012 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-26.100 Pharmacists Newly Licensed.

Specific Authority 456.013(2), 465.005 FS. Law Implemented 456.013(2), 465.008 FS. History--New 3-19-79, Formerly 21S-6.04, Amended 1-7-87, 12-29-88, 10-16-90, Formerly 21S-6.004, Amended 1-10-93, Formerly 21S-26.100, 61F10-26.100, 59X-26.100, Amended 4-17-01, Repealed _____.

64B16-26.101 Fees and License Renewal Application.

Specific Authority 465.005 FS. Law Implemented 456.036, 456.064, 465.008 FS. History--New 3-19-79, Formerly 21S-6.05, Amended 1-7-87, 4-21-87, 12-29-88, Formerly 21S-6.005, Amended 7-31-91, 1-10-93, Formerly 21S-26.101, 61F10-26.101, Amended 3-10-96, Formerly 59X-26.101, Amended 12-31-97, 12-3-00, 3-18-01, 10-15-01, Repealed _____.

64B16-26.102 Inactive License Renewal.

Specific Authority 465.005 FS. Law Implemented 465.008, 465.012 FS. History--New 3-19-79, Formerly 21S-6.06, Amended 1-7-87, 12-29-88, Formerly 21S-6.006, Amended 7-31-91, 1-10-93, Formerly 21S-26.102, 61F10-26.102, Amended 3-10-96, Formerly 59X-26.102, Amended 3-18-01, Repealed _____.

64B16-26.105 Consultant Pharmacists Initial Registration Fee and Renewal Fee.

Specific Authority 465.005, 465.008, 465.0125 FS. Law Implemented 456.036, 465.0125 FS. History--New 10-26-83, Amended 2-21-84, Formerly 21S-6.10, 21S-6.010, 21S-26.105, 61F10-26.105, Amended 3-28-95, Formerly 59X-26.105, Repealed _____.

64B16-26.106 Nuclear Pharmacists Initial Registration Fee and Renewal Fee.

Specific Authority 465.005, 465.0126 FS. Law Implemented 456.036, 465.0126 FS. History--New 12-29-88, Formerly 21S-6.011, 21S-26.106, 61F10-26.106, Amended 6-26-95, 3-11-96, Formerly 59X-26.106, Repealed _____.

64B16-26.107 Inactive Nuclear Pharmacist License Renewal.

Specific Authority 465.005, 465.008, 465.012, 465.022(8) FS. Law Implemented 465.008, 465.012, 465.022(8) FS. History--New 6-26-95, Formerly 59X-26.107, Repealed _____.

64B16-26.2035 Examination Fees.

Specific Authority 465.005 FS. Law Implemented 465.007 FS. History--New 9-19-94, Amended 3-10-96, Formerly 59X-26.2035, Amended 3-22-99, 10-30-00, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2004

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES:	RULE NOS.:
Consultant Pharmacist Registration	64B16-26.300
Subject Matter for Consultant Pharmacist Training Program	64B16-26.301
Subject Matter for Consultant Pharmacist Licensure Renewal Continuing Education	64B16-26.302

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the rules as part of the overall review of Rule Chapter 64B16-26, F.A.C.

SUMMARY: The proposed rule amendments address the licensure and continuing education requirements for consultant pharmacists.

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: 465.005, 465.0125 FS.

LAW IMPLEMENTED: 465.0125 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Danna Drox, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-26.300 Consultant Pharmacist Registration.

(1) No person shall serve as consultant pharmacist as defined in Section 465.003(3), F.S., unless that person holds a license as a consultant pharmacist until such time as he is licensed as such with the Florida Board of Pharmacy as a consultant pharmacist.

(2) In order to ~~No person shall~~ be licensed as a consultant pharmacist until such time as he has submitted satisfactory proof that he is a Florida registered pharmacist in good standing and satisfactory proof that he has met the requirements of this section necessary for licensure as a consultant pharmacist, which shall be the following a person must meet the following requirements:

(a) Hold a license as a pharmacist which is active and in good standing. The applicant holds the degree, Master of Science in hospital pharmacy, or has completed an ASHP (American Society of Hospital Pharmacists) accredited residency in hospital pharmacy within the last twelve months or;

(b) Successfully complete ~~The applicant has successfully completed~~ a consultant pharmacist course of no fewer than twelve (12) hours, sponsored by an accredited college of pharmacy located within the State of Florida, the College of Pharmacy, University of Florida, the College of Pharmacy, Florida A & M University, or Nov Southeastern College of Pharmacy, and approved by the Florida Board of Pharmacy Tripartite Continuing Education Committee which is based on the Statement of the Competencies Required in Institutional Pharmacy Practice and subject matter set forth in Rule 64B16-26.301, F.A.C. The course ~~It~~ shall be instructionally designed to include a cognitive test on which the applicant must score a passing grade for certification of successful completion of the course. ~~Certification of successful completion shall be valid for the purpose of initial licensure as a consultant pharmacist for a period of one (1) year.~~

(c) Within one (1) year of completion of the course set forth in subsection (b) above, have completed a period of assessment and evaluation under the supervision of a preceptor. This period of assessment and evaluation shall be completed over no more than three (3) consecutive months and shall include at least 40 hours training in the following practice areas, 60% of which shall occur on-site at the permitted institution. The training shall include:

<u>Minimum Skills Required – Minimum of 40 Hours in Maximum of Three Months</u>	<u>Percent of Time</u>	<u>Hours</u>
<u>1. Regimen review, documentation and communication.</u>	<u>50-60%</u>	<u>20-24</u>
<u>a. Demonstrate ability to carry out process and understand documentation functions.</u>		
<u>b. Understand and perform drug regimen review. Communicate findings to appropriate individuals or groups.</u>		
<u>2. Monthly facility review.</u>	<u>15-20%</u>	<u>6-8</u>
<u>Demonstrate areas that should be evaluated, documentation, and reporting procedures.</u>		
<u>3. Committees and Reports.</u>	<u>5%</u>	<u>2</u>
<u>Attend quarterly Quality of Care committee and preparation and delivery of pharmacist quarterly report.</u>		
<u>4. Policy and Procedures.</u>	<u>5%</u>	<u>2</u>
<u>Preparation, review, updating Policy and Methods.</u>		
<u>5. Principles of formulary management.</u>	<u>5%</u>	<u>2</u>
<u>Demonstrate ability to manage formulary.</u>		
<u>6. Professional Relationships.</u>	<u>5%</u>	<u>2</u>
<u>Knowledge and interaction of facility administration and professional staff.</u>		
<u>7. Additional Skills.</u>		
<u>The Consultant pharmacist is responsible for learning other skills needed to perform in his/her type of facility where he/she is or will be the consultant Pharmacist of Record.</u>		

(3) In order to act as a preceptor, a person shall:

(a) Be a consultant pharmacist of record at an institutional pharmacy which is required to have a consultant pharmacist under the provisions of Chapter 465, Florida Statutes, and these rules.

(b) Have a minimum of one (1) year of experience as a consultant pharmacist of record.

(c) All pharmacist licenses held by the preceptor must be in good standing with the Board.

(d) Not act as a preceptor to more than two (2) applicants at the same time.

(3) Upon receipt of proof satisfactory to the Board that the consultant pharmacist meets the requirements of subsection (2), the Board shall issue a consultant pharmacist license and register the applicant as a consultant pharmacist in the official records of the Florida Board of Pharmacy with the proviso that designation as the consultant pharmacist of record for a permitted facility, required by rule to employ a consultant pharmacist, requires that the consultant pharmacist must have

completed or immediately begin a period of assessment and evaluation, which may be fulfilled by one of the following as a prerequisite or co-requisite:

(a) The period of assessment and evaluation may be fulfilled by the licensee who is a consultant of record and is responsible to sign all pertinent records by completing assignments and performing various consultant of record activities under the guidance or evaluation of a Florida Consultant Pharmacist who is experienced as a pharmacist of record in a Florida Institutional Pharmacy for a minimum of two years and in good standing with the Board. After a period of not less than six months the supervising consultant certifies to the Board that the licensee has successfully completed the required assignments and experiential activities, OR

(b) The licensee may complete this requirement prior to accepting a position as a consultant of record by assisting a consultant of record who is responsible to sign or co-sign all pertinent records. After a period of not less than six months the supervising consultant certifies to the Board that the licensee has successfully completed the required assignments and experiential activities, OR

(c) Practicing under the supervision and evaluation of a consultant pharmacist of record in good standing at the same institution for a period of not less than six months, OR

(d) Practice as a consultant pharmacist of record for a period of not less than six months and complete a written assignment specific to the long term care institution, concerning the following topics:

1. Policy and Procedure Manual;
2. Consultant Pharmacist Quarterly Reports;
3. Minutes of the Pharmacy Service Committee;
4. Surveyors Report, OR

(e) Practice as a consultant pharmacist of record for a period of not less than six months and complete a written assignment specific to the hospital institution, concerning the following topics:

1. Policy and Procedure Manual;
2. Nursing Unit Inspection Reports;
3. The Pharmacy and Therapeutics Committee, OR

(f) Practice as a consultant pharmacist of record for a period of not less than six months and complete a written assignment specific to any other practice setting as identified by the Board. The assignment must focus on the policy and procedure manual of the facility.

(g) The written assignments required by paragraphs (d), (e), and (f) above shall be completed and sent to the board office within six months of assuming consultant pharmacist of record responsibilities for the permit.

~~(4) Upon completion of the requirements set forth above, the applicant's preceptor shall confirm that the applicant's internship has met the requirements and that the applicant has successfully completed all required assignments under the preceptor's guidance and supervision.~~

~~(5)(4) After licensure a consultant pharmacist's license shall be renewed biennially upon payment of the fee set forth in Rule 64B16-26.1003, F.A.C., and upon completing Proof satisfactory that a consultant pharmacist, certified pursuant to this section, has met the requirements necessary for initial or biennial renewal certification, which shall be constituted by the following: the applicant for initial certification has completed, at a minimum, a twenty-four (24) twelve (12) hours of board approved continuing education. ~~course of an in-depth analysis of approved subject matter based upon the provisions of Rule 64B16-26.301, F.A.C., (initial certification) or a twelve (12) hour course of an in-depth analysis of approved subject matter each calendar year based upon the provisions of Rule 64B16-26.302, F.A.C., (renewal certification) developed by the Tripartite Continuing Education Committee.~~~~

~~(6)(5) The number of hours earned in recertification programs by a consultant pharmacist, if applied to the twenty-four (24) hours required for consultant pharmacist license renewal, may not be used toward the thirty (30) hours of continued professional pharmaceutical education credits as set forth in Rule 64B16-26.103, F.A.C. However, if any consultant program hours earned are not used for consultant pharmacist license renewal, these hours may be applied toward the thirty (30) credit hours of continued professional pharmaceutical education requirements.~~

~~(6) A licensee may elect at the time of license renewal to place the license on inactive status by filing a written request with the board for inactive status and submitting the biennial fee of \$50.00. For the purpose of this section, a written request may be a renewal form provided by the Department on which the licensee affirmatively elects inactive status.~~

~~(7) An applicant who applies for a consultant pharmacist license after the effective date of this rule shall be required to complete the assessment and evaluation required in paragraph (1)(c) prior to being licensed as a consultant pharmacist. A licensee may elect at the time of renewal to continue the license on inactive status by filing a written request with the board for inactive status and submitting the inactive renewal fee of \$50.00. For the purpose of this section, a written request may be a renewal form provided by the Department on which the licensee affirmatively elects inactive status.~~

~~(8) A consultant pharmacist who has never completed a period of assessment and evaluation shall meet the requirements of paragraph (2)(c) within one (1) year after the effective date of this rule. A license which has been on inactive status may change to active status at any time provided the licensee meets the continuing education requirements of subsection 64B16-26.300(4), F.A.C. for each biennium the~~

~~licensee was in inactive status, submits the reactivation fee, the current biennial renewal fee at the time of reactivation, and if applicable, the change of status fee as defined by Rule 64B16-26.105, F.A.C.~~

~~(9) Any license which has been delinquent for more than two (2) consecutive biennial licensure periods may be reactivated upon retaking and successfully completing the initial certification course and submitting the initial registration fee of \$50.00 as set forth in paragraph 64B16-26.300(2)(b), F.A.C.~~

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History—New 5-19-72, Revised 4-19-74, Repromulgated 12-18-74, Amended 10-17-79, 4-8-80, 7-29-81, 7-1-83, 4-10-84, 4-30-85, Formerly 21S-1.26, 21S-1.026, Amended 7-31-91, 10-14-91, Formerly 21S-26.300, 61F10-26.300, Amended 9-19-94, 3-28-95, 3-10-96, Formerly 59X-26.300, Amended 5-22-01, _____.

64B16-26.301 Subject Matter for Consultant Pharmacist Training Program.

- (1) No change.
- (2) Policy and Procedures.
 - (a) Written procedures for outlining the medication drug distributions system in effect.
 - 1. No change.
 - 2. Unit-dose systems.
 - a. Centralized. ~~Entralized~~.
 - b. No change.
 - c. Automated medication systems.
 - 3. Routine and emergency use special storage of drugs.
 - 4. After hours procedure for medication dispensing outside the pharmacy.
 - 5. Managing drug shortages.
 - (b) Record keeping and reports.
 - 1. through 2. No change.
 - 3. Patient drug use control and records.
 - a. No change.
 - b. Medication use evaluation ~~Utilization and review of usage~~.
 - c. Medications errors ~~review~~.
 - 4. Drug charges, methods, accountability, and reports.
 - 5. No change.
 - (3) Administrative Responsibilities.
 - (a) through (b) No change.
 - (c) Intra-professional relations pertaining to medication use, dispensing, etc.
 - (d) Inter-professional relations with other members of the institutional health care team.
 - 1. Pharmacy & Therapeutic Committee.
 - a. Rational drug therapy; review of medication use drugs usage and prescribing.

b. Formulary development – evaluation, appraisal, selection, procurement, storage, distribution, medication safety, criteria for use development and use, patient drug safety, clinical usefulness of drugs.

c. through d. No change.

2. In-service education of nurses and other health-related personnel.

3. No change.

(4) Professional Responsibilities.

(a) Drug information retrieval and methods of dispersal ~~Maintenance of a drug information center.~~

(b) Development of Clinical pharmacy practice.

(c) Development of an IV Admixture Service.

(d) Procedures to enhance medication safety. ~~Enhancement of patient drug safety through improved procedures-~~

1. No change.

2. Preparation of ~~Availability of capability to prepare~~ sterile dosage forms.

3. Proper writing, transcribing and initiating and/or transferring signing and transferring of patient medication orders; development of physician’s chart order copy system.

4. No change.

5. Reporting and trending adverse drug reactions.

6. through 7. No change.

(e) Maintain drug quality and safe storage.

1. No change.

2. Requirements for safe and appropriate storage conditions. ~~Screening procedures for freshness, potency, etc:-~~

(f) Maintain drug identity.

1. No change.

2. Manufacturing and packaging procedures integrity.

3. No change.

(5) The Institutional Environment.

(a) The institution’s pharmacy function and purpose ~~How the pharmacy relates to the hospital.~~

(b) Interdepartmental relationships important to the institutional pharmacy. ~~Inter-relations of the pharmacy administratively with other departments of the hospital.~~

(c) No change.

(d) Special training with respect to the operation of nursing homes and Extended Care Facilities (ECF)/pharmacy relationship and special procurement procedures problems.

(6) Nuclear Pharmacy.

(a) through (i) No change.

(j) Reporting adverse drug reactions and medication errors ~~misadministration.~~

(k) No change.

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History–New 5-19-72, Amended 12-18-74, 10-17-79, Formerly 21S-1.27, 21S-1.027, Amended 7-31-91, Formerly 21S26.301, 64F10-26.301, 59X-26.301, Amended _____.

64B16-26.302 Subject Matter for Consultant Pharmacist Licensure Renewal Continuing Education Recertification Programs.

A consultant pharmacist recertification program must consist of at least twelve (12) self contained hours of training in subjects specified below with a block of at least three (3) hours in any subject category. Duplicated courses are not acceptable.

(1) Drug Therapy – Disease State.

(a) Patient Drug Therapy – management and monitoring ~~(at least 80%).~~

1. through 5. No change.

(2) Administrative Responsibilities.

(a)(b) Update On Administrative Responsibilities ~~(0%—20%).~~

1. Legal requirements- including statutes, rules and regulation (Federal and State).

2. JCAHO Standards requirements.

3. No change.

4. HIPAA requirements.

(b)(e) Focus on Consultant Pharmacist Practice Issues/Concerns ~~(0%—20%).~~

1. How to get things accomplished in complex organizations.

2. Key contacts to be effective as a consultant pharmacist ~~Where to go to get things done.~~

3. Considerations and preparation for site inspections.

~~(2) Consultant Pharmacist Advanced Training-~~

~~(3)(a) Consultant Pharmacist Facility Responsibilities.~~

This segment details the requirements in one of the facility types for which a consultant pharmacist is required. Only one practice setting may be included in each program.

1. through 4. renumbered (a) through (d) No change.

(b) Administrative Responsibilities-

~~1. Legal requirements— Federal and State-~~

~~2. JCAHO requirements-~~

~~3. OLC Survey Standards-~~

~~4. Personnel Requirements-~~

(c) Consultant Practice Issues/Concerns-

~~1. Organization of practice-~~

~~a. How to get things accomplished-~~

~~b. Where to go to get things done-~~

~~2. Preparation for site inspection-~~

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History–New 10-14-91, Formerly 21S-26.302, 64F10-26.302, 59X-26.302, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

DATES PROPOSED RULE APPROVED BY AGENCY HEAD: December 7-8, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2004

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Services

RULE TITLE: SSI-Related Medicaid Post Eligibility Treatment of Income
 RULE NO.: 65A-1.7141

PURPOSE AND EFFECT: Rule 65A-1.7141, F.A.C., Medicaid SSI-Related Post Eligibility Treatment of Income provides criteria, including the criteria for treatment of uncovered medical expense deductions, used to calculate patient responsibility for recipients of Medicaid institutional programs, Hospice and the Assisted Living Home and Community-Based waiver program.

SUMMARY: Rule 65A-1.7141, F.A.C., Medicaid SSI-Related Post Eligibility Treatment of Income provides criteria, including the criteria for treatment of uncovered medical expense deductions, used to calculate patient responsibility for recipients of Medicaid institutional programs, Hospice and the Assisted Living Home and Community-Based waiver program.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:30 a.m. January 17, 2005

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nathan Lewis, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 449, Tallahassee, FL 32399-0700, (850)414-5927

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.7141 SSI-Related Medicaid Post Eligibility Treatment of Income.

After an individual satisfies all non-financial and financial eligibility criteria for Hospice, institutional care services or Assisted Living waiver (ALW/HCBS), the department

determines the amount of the individual's patient responsibility. This process is called post eligibility treatment of income.

(1) For Hospice and institutional care services, the following deductions are applied to the individual's income to determine patient responsibility:

(a) Individuals residing in medical institutions shall have \$35 of their monthly income protected for their personal need allowance.

(b) If the individual earns therapeutic wages, an additional amount of income equal to one-half of the monthly therapeutic wages up to \$111 shall be protected for personal need. This protection is in addition to the \$35 personal need allowance.

(c) Individuals who elect Hospice service have an amount of their monthly income equal to the federal poverty level protected as their personal need allowance unless they are a resident of a medical institution, in which case \$35 of their income is protected for their personal need allowance.

(d) The department applies the formula and policies in 42 U.S.C. section 1396r-5 to compute the community spouse income allowance after the institutionalized spouse is determined eligible for institutional care benefits. The standards used are in paragraph 65A-1.716(5), F.A.C. The current standard Food Stamp utility allowance is used to determine the community spouse's excess utility expenses.

(e) For community Hospice cases, a spousal allowance equal to the SSI Federal Benefit Rate (FBR) minus the spouse's own monthly income shall be deducted from the individual's income. If the individual has a spouse and a/an dependent child(ren) they are entitled to a portion of the individual's income equal to the Temporary Cash Assistance consolidated need standard (CNS) minus the spouse and dependent's income. For CNS criteria, refer to subsection 65A-1.716(1), F.A.C.

(f) For ICP or institutionalized Hospice, income is protected for the month of admission and discharge, if the individual's income for that month is obligated to directly pay for their cost of food or shelter outside of the facility.

(g) Effective January 1, 2004, the department allows a deduction for the actual amount of health insurance premiums and actual medical expenses, not subject to payment by a third party, incurred by a Medicaid recipient for programs involving post eligibility calculation of a patient responsibility, as authorized by the Medicaid State Plan and in accordance with 42 CFR 435.725.

1. The medical services or item must meet all the following criteria:

a. Be recognized under state law;

b. Be medically necessary;

c. Be paid by the recipient or their representative using the recipient's funds;

- d. Be paid to the provider of services;
- e. Not be a Medicaid compensable expense; and
- f. Not be covered by the facility or provider per diem.

2. Expenses for services or items received prior to the first month of Medicaid eligibility can only be used in the initial projection of medical expenses if the service or item was provided during the three months prior to the month of application and is anticipated to recur in the initial projection period.

3. For the initial projection period, the department will allow a deduction for (a) the actual amount of health insurance premiums (prorated if paid less frequently than monthly) and (b) a deduction for the anticipated amount of uncovered medical expenses incurred during the three months prior to application that are expected to recur in the initial projection period.

4. Actual incurred and recognized expenses will be deducted in each of the three months prior to the Medicaid application month when an applicant requests three months prior Medicaid coverage and is eligible in the prior month(s).

5. The initial projection period is the first day of the first month of the client's Medicaid eligibility beginning no earlier than the application month through the last day of the sixth month following the month of approval. A semi-annual review is scheduled for the fifth month after the month approved to evaluate the recipient's actual incurred medical expenses for the prior six months.

6. For the semi-annual review, the department will request documentation of the recipient's actual incurred medical expenses for the prior six months.

a. If the recipient documents their actual expenses, staff must compare the total projected expenses budgeted with the total actual recurring expenses to determine if the projection was accurate. If the projection was overstated or understated by more than \$120, the department must use the amount overstated or understated by more than \$120 combined with the total expenses expected to recur and any one-time expense incurred during the period to compute an average amount to deduct from patient responsibility for the next projection period if possible. If an adjustment is not possible in the next period, the department must adjust the patient responsibility for each past month in which an expense was overstated.

b. If a recipient fails to document their actual expenses for the last projection period at the time of their semi-annual review, the department must assume the recipient did not incur the expense(s) which was projected. The department will remove the deduction for the next projection period and calculate the total amount of deductions incorrectly credited in the prior projection period to adjust the recipient's future patient responsibility. If an adjustment is not possible in the next period, the department must adjust the patient responsibility for each past month in which an expense was overstated.

7. The steps in subparagraph (g)6. above must be repeated for each semi-annual review.

8. Recipients must report their uncovered medical expenses timely.

a. New, recurring uncovered medical expenses must be reported within 10 days of receiving the service or no later than the tenth day of the month in which their next semi-annual review is due. If the due date falls on a weekend or holiday, the recipient must report by the end of the next working day. Recurring expenses reported timely will be included in the calculation of patient responsibility beginning with the month the expense was incurred. Recurring expenses not reported timely will be included in the calculation of patient responsibility beginning the month reported and will be prorated for the remaining months of the projection period, but no adjustments in patient responsibility will be made for past months in which expenses went unreported.

b. Non-recurring (one-time) uncovered medical expenses must be reported no later than the tenth day of the month in which their next semi-annual review is due. If the due date is a weekend or holiday, the recipient must report by the end of the next working day. Non-recurring expenses reported timely will be held until the semi-annual review month and prorated over the next six-month period. Non-recurring expenses not reported timely will not be included as a deduction in the patient responsibility calculation.

(2) For ALW/HCBS, the following deductions shall apply in computing patient responsibility:

(a) An allowance for personal needs in the amount equal to the Optional State Supplementation (OSS) (as defined in Chapter 65A-2, F.A.C.) cost of care plus the OSS personal need allowance.

(b) An amount equal to the cash assistance consolidated need standard minus the dependent's income for the client's dependent unmarried child under age 21 or their disabled adult child living at home, when there is no community spouse.

(c) Deductions in paragraphs (1)(b), (d), (f) and (g) as applicable.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nathan Lewis, Program Administrator

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Connie B. Reinhardt, Acting Director, Economic Self-Sufficiency Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 2004

Purchase Order No.: LA1377

DEPARTMENT OF FINANCIAL SERVICES

Office of Financial Regulation

RULE TITLE: Daily Liquidity
 RULE NO.: 69U-120.680

PURPOSE AND EFFECT: Rule 69U-120.680, F.A.C., was promulgated prior to the repeal of Section 658.68, Florida Statutes. The rule is currently obsolete and will be repealed to reflect the changes in Florida Statutes.

SUMMARY: The rule is repealed to reflect changes in the Florida Statutes.

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: 655.012(3) FS.

LAW IMPLEMENTED: 658.68 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., January 24, 2005

PLACE: Room 547, Fletcher Building, 200 East Gaines Street, Tallahassee, FL 32399

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andy Price, Executive Senior Attorney, Office of Financial Regulation, Tallahassee, Florida 32399-0379, (850)410-9896

THE FULL TEXT OF THE PROPOSED RULE IS:

69U-120.680 Daily Liquidity.

Specific Authority 655.012(3) FS. Law Implemented 658.68 FS. History--New 11-01-92, Amended 7-9-96, Formerly 3C-120.680, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Charity, Director of Banking, Office of Financial Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Financial Regulation

RULE TITLE: Final Orders
 RULE NO.: 69W-301.004

PURPOSE AND EFFECT: Rule 69W-301.004, F.A.C., is being repealed as the subject matter of the rule is contained in Sections 120.569, 120.57 and 120.60, F.S. The effect of the repeal of the rule will be make timelines for the entry of a final order consistent with the time periods provided 120.60 for granting or denying a license under Chapter 517, F.S., after the entry of a recommended order issued pursuant to a proceeding under Section 120.569, F.S. or Section 120.57, F.S.

SUMMARY: The rule is repealed such that timelines for the entry of a final order to grant or deny a license under Chapter 517, F.S., will run in accordance with Section 120.60, F.S., after a proceeding under Section 120.569, F.S. or Section 120.57, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 120.60, 517.081, 517.12, 517.241(1) FS.

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

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

PLACE: Room 547, Fletcher Building, 200 East Gaines Street, Tallahassee, FL 32399

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andy Price, Executive Senior Attorney, Office of Financial Regulation, Tallahassee, Florida 32399-0379, (850)410-9896

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-301.004 Final Orders.

Specific Authority 517.03(1) FS. Law Implemented 120.60, 517.081, 517.12, 517.241(1) FS. History--New 9-20-82, Amended 6-22-98, Formerly 3E-301.004, Repealed _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2004